

Francisco Charter Commission

INSTITUTE OF GOVERNMENTAL
STUDIES 11

JUN 17 1980

Proposed UNIVERSITY OF CALIFORNIA

CHARTER

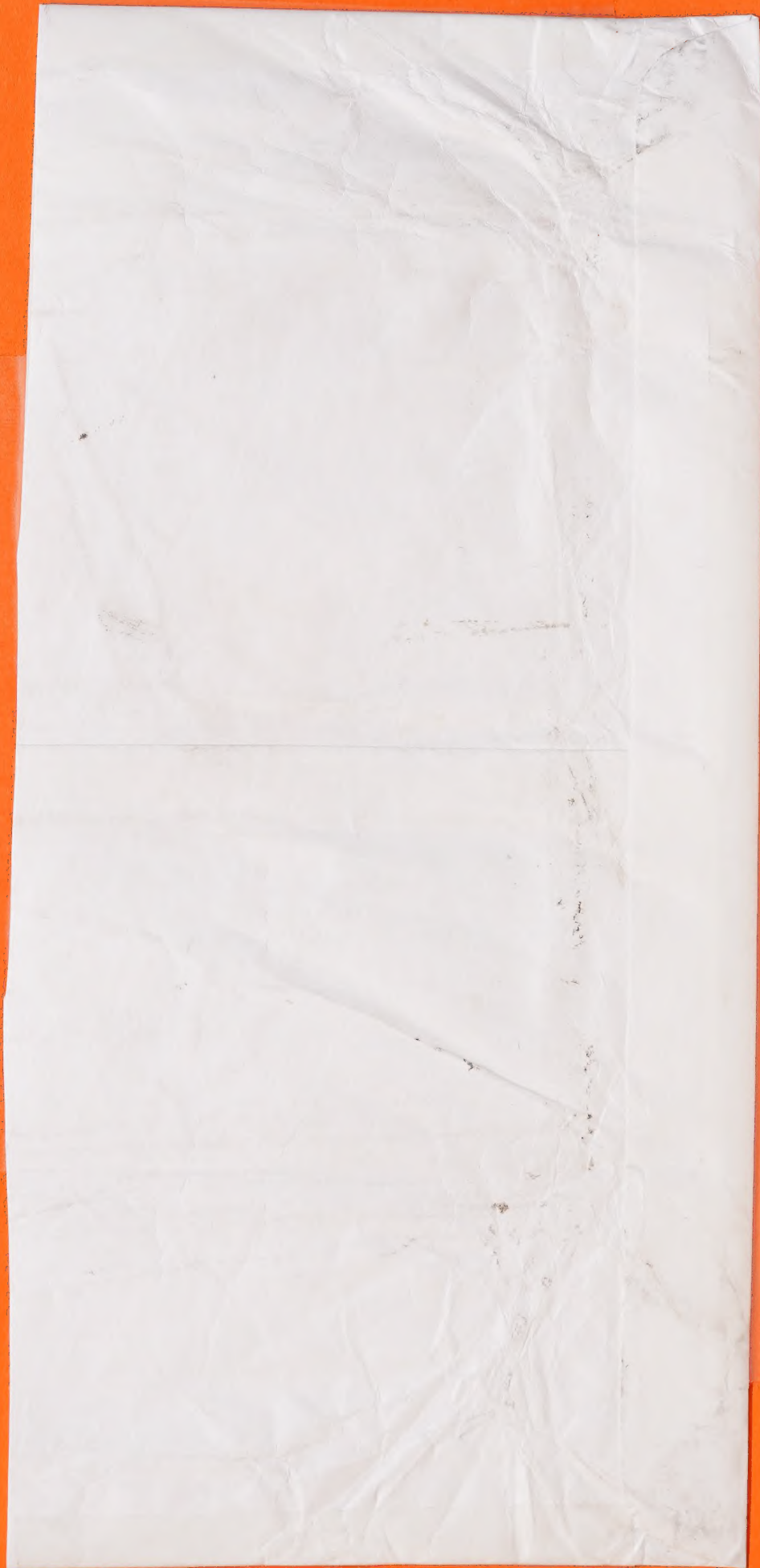
City and County of San Francisco

Second Discussion Draft

11 June 1980

Wilson Chang,
Chairman
Jack Morrison,
Vice Chairman
Rodney Johnson,
Secretary
Frank Fitch,
Treasurer
Thomas Cahill
Agnes Chan

Eulalio Frausto
James Haas
Pat Jackson
Leo Jed
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Jack Webb
Glen W. Sparrow,
Executive Director



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San Francisco Charter Commission

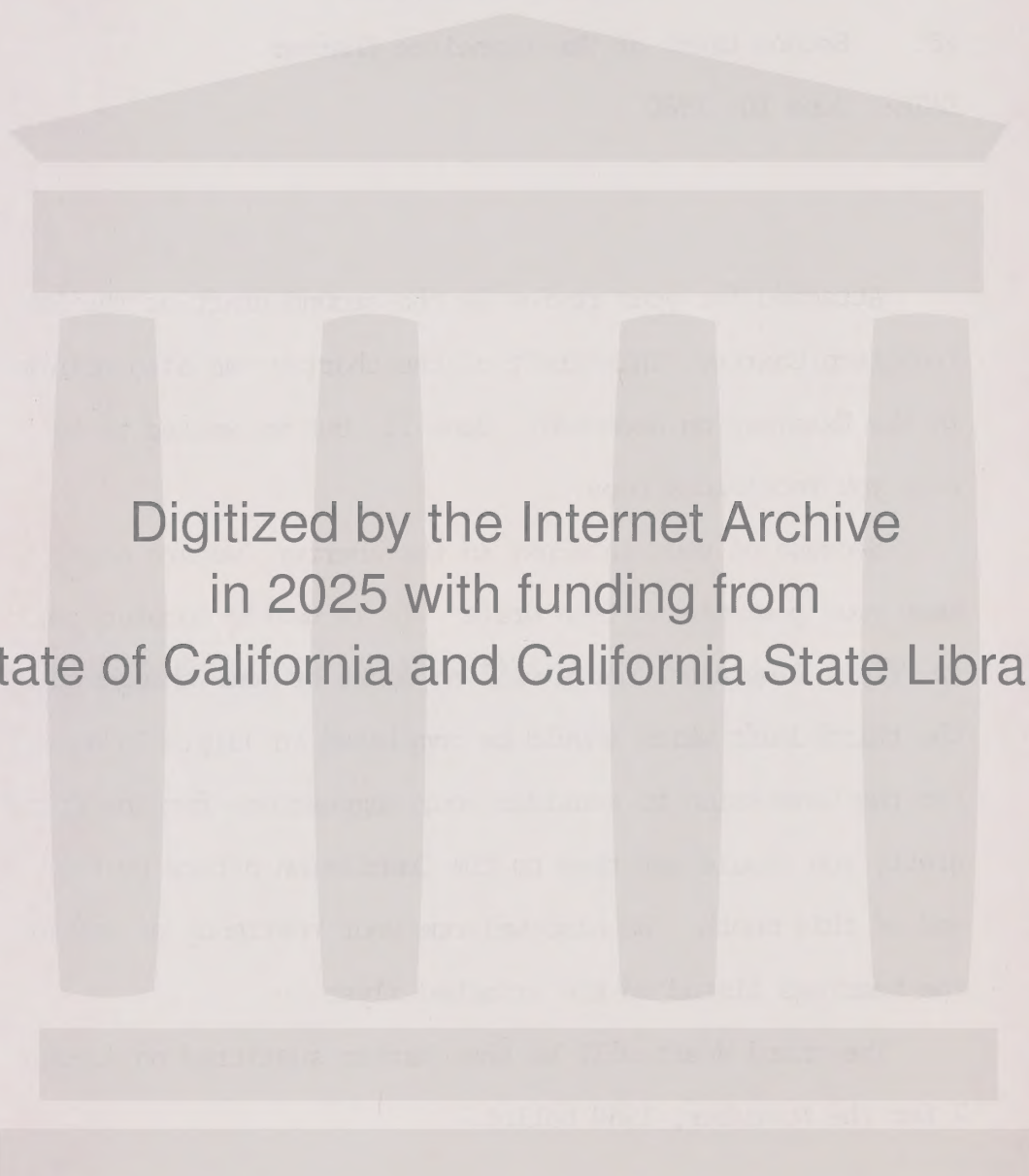
TO: Charter Distribution List
FROM: San Francisco Charter Commission
RE: Second Draft of San Francisco Charter
DATE: June 10, 1980

Wilson Chang,
Chair
Jack Morrison,
Vice Chair
Rodney Johnson,
Secretary
Frank Fitch,
Treasurer
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Glen W. Sparrow,
Executive Director

Attached for your review is the second draft of the San Francisco Charter. This draft of the charter was also printed in the Examiner on Wednesday, June 11, but we wanted to be sure you received a copy.

Because of your interest in the charter, we are eager to hear your comments on this draft. It is nearly complete and in "final language"; there will no doubt be some changes in the third draft which should be completed in July. In order for the Commission to consider your suggestions for the third draft, you should get them to the Commission office by the end of this month. We also welcome your testimony at any of the hearings listed on the attached flyer.

The third draft will be the charter submitted on August 7 for the November, 1980 ballot.



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NEW CHARTER for SAN FRANCISCO PUBLIC HEARINGS

June 1980

MONDAY	TUESDAY	WEDNESDAY	THURSDAY		SATURDAY
	<p>EVERETT JR. HIGH 450 Church Street at 17th</p> <p>7-10pm</p> <p>Muni lines: J,K,L, M</p> <p>CHILDCARE PROVIDED</p> <p>17</p>	<p>ROOSEVELT JR. HIGH 460 Arguello Blvd. at Geary</p> <p>7-10pm</p> <p>Muni lines: 38, 1</p> <p>WHEELCHAIR ASSESS & SIGN INTERPRETATION AVAILABLE</p> <p>18</p>	<p>MARINA JR. HIGH 3500 Fillmore St. at Chestnut</p> <p>7-10pm</p> <p>Muni lines: 22,28, 30</p> <p>19</p>	<p>FRIDAY</p>	<p>PELTON JR. HIGH 45 Conklin St. at Silver</p> <p>10am - 1pm</p> <p>Muni lines: 51</p> <p>CHILDCARE PROVIDED</p> <p>21</p>
<p>STATE BUILDING</p> <p>350 McAllister St. Room 1194</p> <p>11am - 2pm</p> <p>Muni lines: 5</p> <p>WHEELCHAIR ACCESS BY ARRANGEMENT. SIGN INTERPRETATION AVAILABLE</p> <p>23</p>	<p>JAMES DENMAN JR. HIGH SCHOOL</p> <p>241 Oneida at Ocean Avenue</p> <p>7-10pm</p> <p>Muni lines: 12,15, 26,28</p> <p>WHEELCHAIR ACCESS</p> <p>24</p>	<p>ABRAHAM LINCOLN HIGH SCHOOL</p> <p>2162-24th Ave. at Quintara</p> <p>7-10pm</p> <p>Muni lines: L,28,66</p>	<p>ATTEND THE HEARINGS!</p> <p>Join the Charter Commissioners in the revisions of the new charter which will be completed in July and on the ballot in November. FOR FURTHER INFORMATION CALL THE CHARTER COMMISSION AT 552-7887</p>		

San Francisco Charter Commission

170 Fell Street, Room 16, San Francisco, CA 94102



ADOPTED 1977

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San Francisco Charter Commission

June 6, 1980

Wilson Chang,
Chair
Jack Morrison,
Vice Chair
Rodney Johnson,
Secretary

Frank Fitch,
Treasurer
Thomas Cahill

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Steven A. Waldhorn
Samuel W. Walker
Jack Webb

Glen W. Sparrow,
Executive Director

SUMMARY OF SECOND DRAFT OF CHARTER

LEGISLATIVE BRANCH

The Board of Supervisors will be constituted and elected as at present. They will set their compensation but it will not take effect until approved by the voters.

The Board is to be the primary policy making body of the City. In furtherance of this role, the Board will no longer be required to approve minor contracts and other administrative matters. Its ability to oversee and investigate the executive branch shall be increased. To carry out this function, the Board shall appoint a legislative auditor who will serve at the Board's pleasure. The legislative auditor shall conduct various types of fiscal and management studies of the executive branch and shall report the results to the Board. The Board shall also contract with an independent certified accounting firm for certification of the annual financial statement for the City and County.

The Board shall review and adopt the Mayor's budget, but may not increase the total amount of the budget above the mayor's proposed expenditure figure. The budget must be balanced.

EXECUTIVE BRANCH-MAYOR

The Mayor, the chief executive of the City and County, will be elected as at present. Within the office of the Mayor, there shall be three statutory officers:

Administrative Officer. The Administrative Officer shall be a professional administrator appointed by the Mayor for a four year term coinciding with the term of the Mayor. The Administrative Officer may only be removed with the concurrence of the Board. The Administrative Officer will be responsible for providing general services to all city departments and for overseeing purchasing and contracting. Until a study of the Department of Public Works can be carried out for the Mayor and the Board of Supervisors (see below), the department will remain under the supervision of the Administrative Officer.

Director of Management and Budget. The Director shall be appointed by and serve at the pleasure of the Mayor. The Director will be responsible for preparing annual and estimated future budgets. The office will also make periodic fiscal, performance and management analyses of the executive branch, manage grants, and coordinate the planning activities conducted by the various units of city government.

Controller. The Controller shall be a qualified professional appointed by the Mayor and confirmed by the Board of Supervisors

for a six year term. The Controller may only be removed with the concurrence of the Board. The Controller will be the chief accountant of the City and County and make disbursements to vendors and providers of goods and services to the City and County and pay city employees. The Controller shall have the power to withhold any disbursement which appears to be questionable or improper and to make appropriate investigations.

EXECUTIVE BRANCH-DEPARTMENTS AND COMMISSIONS

The following departments will be described in the charter:

- (a) Police
- (b) Fire
- (c) Health
- (d) Social Services
- (e) Port
- (f) Airport
- (g) Recreation and Park
- (h) Public Utilities

Each department will be headed by an executive and overseen by a commission. The commissioners will be appointed by, and serve staggered four year terms at the pleasure of, the Mayor. The number of commissioners for each department will remain as at present with the former health department having a seven person commission. The department executive will be nominated by the

commission and appointed by the Mayor. Executives will then serve at the pleasure of the Commissions.

The following commissions will be described in detail:

Planning (including the planning department)

Civil Service

Human Rights

Permit Appeals

The planning commissioners will be appointed by and serve staggered four year terms at the pleasure of the Mayor ~~and~~^{who} will appoint the Planning Director (as at present). The Mayor shall appoint the commissioners of the other three commissions for four year staggered terms and may discharge these commissioners only for cause.

The Board and the Mayor, after a study of the Public Works Department and the Public Utilities Commission, may establish (without a vote of the people) a Transportation Department and a Municipal Utilities Department, both with five person commissions. Any functions of the Public Works Department not included in the new departments will remain under the supervision of the Administrative Officer.

Department executives will be able to reorganize their departments.

The Mayor by executive order can move bureaus or other units of government between departments if the Board of Supervisors does not disapprove within 30 days.

The city is not prohibited from contracting out for services.

OTHER ELECTED OFFICIALS

All of the present independent elected officials will remain with powers and duties as at present. The language describing the treasurer's office will be clarified so that the treasurer can also serve as tax collector and better coordinate the treasury and collection functions of that office.

EDUCATION

The Board of Education and the Community College District Board will remain elected as at present. The Public Library will be included in this article and remain constituted as at present.

FINANCIAL PROVISIONS

The present detailed provisions for the budget will be replaced by enabling legislation directing the Board of Supervisors to adopt an ordinance setting forth the form, content and schedule for the budget. The budget must be balanced with revenues equaling expenditures.

PERSONNEL

The personnel functions of the city shall be constituted as follows:

- (a) Civil Service Commission. The Commission shall hear and adjudicate appeals brought by individual city employees of decisions made by the Director of Personnel.

The Commission shall conduct investigations and make recommendations to the Mayor and Board of Supervisors on the personnel system.

- (b) Personnel Department. The department shall be the employment agency for all departments of the City and County. The Director shall be appointed by the Mayor. The Director shall have the power to promulgate regulations consistent with ordinance and the charter.
- (c) Employment Relations Office. This office will be located in the office of the Mayor and shall deal with all employee bargaining units. The Mayor shall nominate and Board of Supervisors shall confirm a person to serve as employee relations negotiator for the City and County. This person shall negotiate with employee bargaining units on behalf of both the Mayor and the Board of Supervisors.

The salaries and benefits of city employees shall be set by the existing formulas. However, the city and an employee bargaining unit may enter into collective bargaining on salaries, benefits, working conditions, work rules, etc., and agree to contracts specifying such terms. Should the city and the bargaining unit find themselves unable to agree to terms in the initial or subsequent negotiations, then the formula terms would prevail. City employees would be prohibited from striking but without the extreme penalties as presently in effect.

ARTS

The Museums, the War Memorial Board and the Art Commission will be described in detail in this article. A charter mandated appropriation of funds for arts will be provided for in this article. It shall be a minimum of 20% of the current 8% hotel tax and shall be allocated by the Administrative Officer with recommendations from the Art Commission.

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San Francisco Charter Commission

MESSAGE FROM THE SAN FRANCISCO CHARTER COMMISSIONERS:

Two years ago we were elected to review and revise the charter of the City and County of San Francisco.

It was clear to us from the outset that only with input and suggestions from you the citizens could we draft a charter that would meet the city's needs at this critical time in our history. The participation of San Franciscans in this revision process remains a high priority and we have made every effort to inform and involve you in this work. That is why we chose from the first to draft this charter in a number of phases. This way each draft would be published when completed and the public invited to comment on the draft.

The first draft of a revised charter, written largely to stimulate discussion of the important issues involved, was published last January. During the many discussion meetings and public hearings which followed, we heard comments, criticism, and suggestions. We paid careful attention to what was said, and responded to the concerns expressed to us.

Therefore, you will see many changes in the second draft, which is published below. We have retained the elected Assessor and Treasurer, because citizens told us they wanted those officials to remain elective. We have made any raise in the Supervisors' salaries dependent upon approval by the voters. We have changed the term and responsibilities of the Controller, but given that office more independence than in the first draft.

The budgeting function of the city has been changed to provide flexibility, accountability, and sound fiscal control. A new personnel system protects the integrity of the merit system and provides for effective administration.

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Glen W. Sparrow,
Executive Director

All current departments and commissions are retained in the charter, because we felt that the commissioners provide a valuable means for public participation in making policy for the city.

We have placed the arts in a special section, recognizing San Francisco's historic concern for art and culture, and we have provided a mechanism for assuring them some financial support.

We are ready now to hear your comments and suggestions on this second draft. A schedule of public hearings is published elsewhere in this section; also, we welcome your written comments, which you may send to us at 170 Fell Street. Because our final draft must be completed by August 7, however, we need to receive your views as soon as possible.

The charter is the most important document in our city. It affects everyone who lives and works here; it sets the limits within which all city agencies and officials must operate. Since 1850, San Francisco has had 7 charters; the current one was adopted in 1932, when times were very different.

Times change and needs change; a charter should change when necessary to meet new challenges. The restrictions placed on city government by Propositions 13 and 4, state mandates, and federal requirements require action by the city. Yet the current, outdated charter restricts San Francisco in its ability to respond to these requirements and in its ability to use modern technology and management methods.

These are our goals:

- * To provide flexibility to meet emerging challenges;

- * To hold elected representatives responsible for their actions;
- * To allow professional administrators to provide services and manage departments efficiently;
- * To allow for greater public participation in the review of governmental decisions;
- * To respond to the needs of the people of San Francisco.

We hope you will read this second draft and participate with us in this process which can mean so much to our city's future.

Respectfully,

The San Francisco Charter Commission:

Thomas Cahill

Agnes Chan

Wilson Chang

Frank Fitch

Eulalio Frausto

James Haas

Pat Jackson

Leo Jed

Rodney Johnson

Haig G. Mardikian

Jack Morrison

Pat Schultz

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PROPOSED CHARTER
of the
City and County of San Francisco
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PREAMBLE

In order to obtain the full benefit of home rule granted by the Constitution of the State of California; to improve the quality of urban life; to encourage the participation of all citizens and all sectors in the affairs of the City and County; to enable municipal government to meet the needs of the people effectively and efficiently; and to assure equality of opportunity to every resident;

We, the people of the City and County of San Francisco, ordain and establish this Charter as the fundamental law for the government of the City and County.

ARTICLE I

EXISTENCE AND POWERS OF THE CITY AND COUNTY

1.100 Name and Boundaries

The City and County of San Francisco shall continue as a municipal corporation and as a county with such boundaries as are prescribed by law.

1.101 Rights and Powers

The City and County shall have all rights and powers of a charter city and county under the Constitution and laws of the State of California.

All rights and powers of a city and county which are not specified in this Charter may be exercised by ordinances or resolutions as prescribed by this Charter.

1.102 Construction

The rights and powers of the City and County under this Charter shall be construed liberally in favor of the City and County. The reference to any particular power in this Charter shall not be construed as in any way limiting the general powers of the City and County.

1.103 Intergovernmental Relations

The City and County may participate in intergovernmental activities.

ARTICLE II

LEGISLATIVE BRANCH

2.100 Composition

The board of supervisors shall consist of 11 members elected by district.

2.101 Districts

There shall be 11 supervisorial districts which shall be described by ordinance, and numbered one through 11, respectively. The board of supervisors shall adjust the boundaries of supervisorial districts following each Federal census. No change in the boundary of any district shall disqualify a supervisor from serving the remainder of the term for which elected.

2.102 Term of Office

Each member of the board of supervisors shall be elected at a general municipal election and shall serve a four-year term commencing on the second Monday in January following election and until a successor qualifies. Members representing even-numbered districts shall be elected in 1981 and every four years thereafter. Members representing odd-numbered districts shall be elected in 1983 and every four years thereafter.

2.103 Vacancies

If a vacancy shall exist on the board of supervisors because of the death, resignation, permanent disability or the inability of a member to otherwise carry out the responsibilities of the office, and such vacancy shall occur more than 120 or less than 45 days prior to a general municipal election or a statewide election, the board of supervisors shall promptly direct the Registrar to call a special municipal election for the election of a person to fill the balance of the former member's unexpired term. Such special municipal election shall be held within 60 days following the date on which a vacancy shall have occurred.

2.104 Meetings

The board of supervisors shall meet at the legislative chamber in City Hall at 12:00 noon on the second

Monday in January in each even-numbered year. Thereafter, regular meetings shall be held on such dates and at such times as shall be fixed by ordinance.

All regular and special meetings of the board of supervisors shall be held at the legislative chamber in City Hall, provided that the board may, by resolution, designate some other appropriate location as its temporary meeting place. Notice of any meeting at a place other than the legislative chamber in City Hall shall be published at least 24 hours in advance of such meeting.

Notwithstanding the above, in case of an emergency affecting the safety of any meeting place, the president of the board of supervisors may designate an appropriate location as the board's temporary meeting place.

2.105 Quorum

The presence of a majority of the members of the board of supervisors at a regular or special meeting shall constitute a quorum for the transaction of business. In the absence of a quorum, a smaller number of members may adjourn and compel the attendance of absent members in the manner and subject to the penalties provided by ordinance.

In the absence of a quorum, any meeting may be adjourned from time to time by a vote of a majority of the members present, but no other business may be transacted.

2.106 Calendar of Agenda Items

A written agenda clearly and concisely describing each item of business to be considered at a regular or special meeting of the board of supervisors or any of its committees shall be made available to the public prior to the commencement of such meeting. In the case of the board of supervisors, such agenda, together with a statement of the time and place at which copies of proposed ordinances and resolutions may be obtained, shall be published at least one business day before each regular meeting and each special meeting of the board of supervisors.

2.107 Ordinances and Resolutions

The board of supervisors shall meet and transact its business according to rules which it shall adopt.

The board of supervisors shall act only by written ordinance or resolution, except that in procedural or parliamentary matters the board of supervisors may act by motion. An ordinance or resolution may be introduced before the board of supervisors by a member of the board, a committee of the board or the mayor, and shall be referred to and reported upon by an appropriate committee of the board. An ordinance or resolution may be prepared in committee and reported out to the full board for action. Except as otherwise provided in this Charter, passage of an ordinance or a resolution shall require the affirmative vote of a majority of the members of the board at each reading.

An ordinance shall deal with only one subject matter, except that appropriations ordinances may cover appropriation with respect to any number of subjects. The title of each ordinance shall clearly reflect the content of the ordinance.

Except as otherwise provided in this Section 2.107 and in Section 2.108, passage of an ordinance shall require two readings at separate meetings of the board, which shall be held at least five days apart. If an ordinance is amended at its second reading, the ordinance shall require a further reading prior to any vote upon the matter. Resolutions shall require only one reading and, by unanimous affirmative vote of the members of the board who are present (but in no event less than a quorum), may be adopted upon introduction without reference to committee.

All ordinances, other than emergency ordinances, shall take effect on the date specified therein (but not earlier than 30 days following the date of passage unless passed by a vote of eight or more members of the board). Resolutions may take effect immediately upon passage, or at such other time as shall be specified in the resolutions.

The board of supervisors may enact an ordinance which has been vetoed by the mayor pursuant to Section 3.103 of this Charter if, within 30 days after such veto, not less than eight members of the board shall vote in favor of such ordinance, except that with respect to a mayoral veto, or reduction, of an individual item of the annual budget, such favorable vote of the board must occur within ten days of the veto.

Any other provision of this Charter notwithstanding an ordinance granting a franchise may not be passed within 90 days of its introduction.

2.108 Emergency Ordinances

An emergency ordinance may be passed in cases of public emergency affecting life, health or property. The affirmative vote of eight members of the board of supervisors shall be required for the passage of an emergency ordinance. The form and manner of introduction of an emergency ordinance shall be as required for ordinances generally, and in addition an emergency ordinance shall contain a declaration setting forth the existence of the emergency, including a clear and concise description thereof, and an explanation of how the measures contemplated by the ordinance will assist in alleviating the emergency.

An emergency ordinance shall be effective upon passage and shall automatically terminate as of the 61st day following passage. An emergency ordinance may be reenacted upon the same terms and conditions applicable to its initial enactment.

No emergency ordinance may levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its services, set salaries, issue bonds, or buy, sell or lease land.

2.109 Policy and Priorities Resolution

The board of supervisors shall act on the mayor's proposed policies and priorities resolution submitted pursuant to Section 3.100 of this Charter within 30 days of its submission to the board.

2.110 Records of Proceedings

The clerk of the board of supervisors shall keep a permanent public record of the proceedings of the board showing all action considered and taken, the text of ordinances and resolutions introduced and all amendments thereto, and the vote of each member of the board regarding any matter before the board. The clerk of the board shall cause the text of all ordinances or resolutions passed by the board to be published promptly and readily available to the public.

2.111 Rates, Fees and Similar Charges

Not less than 30 nor more than 45 days prior to the proposed date of adoption, each schedule of rates, fees and similar charges proposed to be established by any board,

commission (other than the port commission) or department of the City and County, or any amendment to existing schedules of rates, fees or similar charges, shall be submitted to the board of supervisors for passage by ordinance. Within 30 days of such submission the board of supervisors may approve or reject the proposed rates, fees or similar charges. Failure of the board to act upon such submission within the required time period shall be deemed to constitute the approval of the board.

2.112 Sale or Lease of Real Property

Any lease of real property for a period of ten or more years under which the City and County is a lessor, and any sale of real property owned by the City and County, shall be approved by resolution of the board of supervisors, prior to such lease or sale. Leases of property under the jurisdiction of the Port Commission for maritime use shall be exempt from the requirements of this Section.

2.113 Fidelity Bonds

The board of supervisors shall, by resolution, determine which officials of the City and County shall be required to post fidelity bonds and the respective amounts of any such bonds. An annual review of bonding requirements shall be conducted by the board of supervisors.

2.114 Hearings, Inquiries and Investigations

The board of supervisors may require such periodic or special reports of departmental costs, operation and expenditures, examine the books, papers, records and accounts of, and inquire into matters affecting the conduct of any department or office of the City and County, and for that purpose may hold hearings, subpoena witnesses, administer oaths and compel the production of books, papers, testimony and other evidence. It shall be the duty of the chief of police to designate a police officer to serve subpoenas. Any person refusing to obey such subpoena and the other requirements hereof, or to produce such books, shall be deemed in contempt and subject to proceedings and penalties as provided by law.

By resolution the board of supervisors may delegate its powers under this Section 2.114 to a duly constituted committee of the board or to a board or commission of the City and County.

2.115 Declaration of Policy

A declaration of policy may be submitted to a vote of the people in the same manner as required by Article XIV for an initiative. Upon approval by a majority of the votes cast with respect to the declaration, the board of supervisors shall within 90 days of such approval take such actions within their powers as shall be necessary to carry such declarations of policy into effect.

No special municipal election shall be called with respect to a declaration of policy.

2.116 Non-Interference in Administration

Except for purposes of hearings, inquiries and investigations, the board of supervisors, its committees and members shall deal with administrative matters of the City and County for which elective officials are responsible, solely through the official concerned. Neither the board of supervisors, its committees nor any of its members shall have any power or authority with respect to any appointment, promotion, compensation, disciplinary action, contract, requisition for purchase, or other administrative recommendation or action of department heads or other appointed officers under elective officials. The board of supervisors shall deal with administrative matters of the City and County only in the manner prescribed by this Charter, and any violation of this prohibition shall constitute official misconduct. Notwithstanding this Section, a member of the board of supervisors may comment on administrative matters at a public meeting or through letter (with a copy of such letter to the clerk of the board of supervisors, which shall be available for public inspection).

2.117 Legislative Audit

The board of supervisors shall, by resolution, select a firm or firms of independent accountants to audit and report upon the annual financial statements of the City and County.

2.118 Legislative Auditor

The board of supervisors shall, by resolution, appoint a legislative auditor who shall be responsible for such matters as the board may prescribe, including a review of the operations, management and expenditures of any department of the City and County.

2.119 President of the Board

At its regular meeting on the second Monday in January in even-numbered years, the board of supervisors shall elect one of its members president for a two-year term. The president shall preside at all meetings of the board, appoint all standing and special committees of the board, assign legislation to committees of the board and have such other powers and duties as may be assigned by the board.

2.120 Staff to the Board

The board of supervisors shall have the power to appoint a staff adequate to enable the board, its committees and members to perform their duties and carry out their responsibilities under this Charter.

The board of supervisors shall appoint a clerk of the board who shall have charge of the office and records of the board and its committees and its staff. The clerk shall keep a public record of the proceedings of the board as provided by Section 2.110 of this Charter and shall keep properly indexed files of all ordinances and resolutions. The clerk of the board shall be responsible for the publication, as required by law, of ordinances, resolutions and other matters acted on by the board for which publication is specified. The clerk of the board shall have such other duties and responsibilities as the board shall prescribe.

2.121 Compensation

Within a balanced budget, the board of supervisors shall establish by ordinance the salaries of all elected officials of the City and County. The salary of each such elected official shall be consistent with the responsibilities of the office. Salaries established by the board of supervisors for its members shall not take effect until approved by a majority of the voters at the next succeeding general municipal or statewide election.

ARTICLE III

EXECUTIVE BRANCH - OFFICE OF THE MAYOR

3.100 Powers and Responsibilities

The mayor shall be the chief executive officer and the official representative of the City and County, and shall serve full time in that capacity. The mayor shall enforce all laws relating to the City and County.

The mayor shall have responsibility for:

1. Coordination of administration of all departments of the City and County;

2. Coordination of all intergovernmental activities of the City and County, and nomination and, upon confirmations by the board of supervisors, appointment of representatives of the City and County to intergovernmental bodies.

3. Receipt and examination of complaints relating to the administration of the affairs of the City and County, and immediate delivery of findings and actions taken to the complainant;

4. Assurance that appointees to various governmental positions with the City and County are qualified and are as representative of the communities of interest and diverse population of the City and County as is reasonably practicable, and shall have representation of both sexes;

5. Submission of ordinances and resolutions by the executive branch for consideration by the board of supervisors; and

6. Introduction before the board of supervisors of a proposed policies and priorities resolution which shall set forth proposed policies and budget priorities of the City and County for the ensuing fiscal year;

7. Introduction before the board of supervisors of the annual budget for the City and County;

8. Such other matters as are provided by this Charter or law for the chief executive officer of a city and county.

The mayor shall have the power to:

1. Speak and be heard with respect to any matter at any meeting of the board of supervisors or any of its committees;
2. Authorize studies or surveys in anticipation of an emergency;
3. Veto any proposed ordinance or resolution as provided in Section 3.103 of this Charter;
4. Appoint a staff adequate to perform the duties and carry out the responsibilities of the mayor's office;
5. Designate a member of the board of supervisors to act as mayor in the mayor's absence from the City and County;
6. In the event of a public emergency affecting life, health or property, marshal all the forces of the City and County for the maintenance of life, health or property; provided, however, that no action taken under this provision shall remain in effect for more than five days unless adopted as an emergency ordinance in accordance with Section 2.108 of this Charter;
7. Except with respect to vacancies on the board of supervisors, make an appointment to fill any vacancy in an elective office of the City and County until a successor shall have been elected and qualifies; and
8. Have and exercise such other powers as are provided by this Charter or by law for the chief executive officer of a city and county.

3.101 Term of Office

The mayor shall serve a four-year term. No person shall be elected mayor more than twice, and no person who has held the office of mayor, or acted as mayor, for more than two years of a term to which some other person was elected mayor shall be elected to the office of mayor more than once.

3.102 Vacancies

If the mayor should be temporarily disabled, the president of the board of supervisors shall act as mayor until such time as the mayor shall return to office.

If the office of mayor should become vacant because of death, resignation, permanent disability or the inability to carry out the responsibilities of the office, a mayoral election shall be held at the next succeeding general municipal or state general election to fill the balance of the mayor's unexpired term. Until a new mayor is elected, the president of the board of supervisors shall act as mayor.

3.103 Veto Power

Any ordinance or resolution passed by the board of supervisors shall be promptly delivered to the mayor for consideration. If the mayor approves the ordinance or resolution, the mayor shall sign it and it shall become effective as provided in Section 2.107 of this Charter. If the mayor disapproves, the mayor shall promptly return the ordinance or resolution to the board of supervisors without the mayor's signature, accompanied by a statement indicating the reasons for disapproval and any recommendations which the mayor may have. Any ordinance or resolution so disapproved by the mayor shall become effective only if, subsequent to its return, it shall be passed by a vote of the board of supervisors required by Section 2.107 of this Charter. Any ordinance or resolution shall become effective, with or without the mayor's signature, unless it is disapproved by the mayor and returned to the board of supervisors not more than 10 days after the date the ordinance or resolution was delivered to the mayor's office for consideration.

3.104 Director of Administration

The mayor shall appoint a director of administration who shall be responsible for administrative matters within the executive branch of the City and County, including contracts and purchases. The director of administration shall propose rules and regulations with respect to purchasing to the board of supervisors for adoption. The term of office of the director of administration shall be concurrent with that of the mayor, and the director may be reappointed by the mayor. The director of administration may be removed by the mayor with the concurrence of a majority of the board of supervisors. The director of administration shall be qualified to perform the duties of the office.

3.105 Director of Management and Budget

The mayor shall appoint and may remove a director of management and budget, who shall be responsible for the preparation of the annual budget, policy planning and coordination of planning of the executive departments of the City and County. The director of management and budget shall be qualified to perform the duties of the office.

3.106 Controller

The mayor shall appoint a controller for a six-year term, subject to confirmation by the board of supervisors. The controller may be removed by the mayor, with the concurrence of a majority of the board of supervisors. The controller shall be qualified to perform the duties of the office.

The controller shall be responsible for the timely accounting, disbursement or other disposition of monies of the City and County in accordance with sound financial practices applicable to municipalities and counties. Only the controller may disburse City and County funds.

The controller shall establish accounting records, procedures and internal controls with respect to all financial transactions of the City and County. Such records shall be kept in a manner and shall follow such procedures and controls as shall be required so as to permit the financial statements of the City and County to be prepared in conformity with generally accepted accounting principles applicable to municipalities and counties. Such records shall constitute the official financial records of the City and County.

The controller shall within 120 days of the end of each fiscal year issue an annual report of the financial condition of the City and County. Such annual report shall be prepared in accordance with generally accepted accounting principles. The annual report shall contain such information and disclosures as shall be necessary to present to the public a full and understandable report of all City and County financial activity.

The controller shall issue a financial impact statement with respect to each City and County measure included on a ballot. Such statement shall be issued in sufficient time to permit inclusion in the voters' pamphlet.

The controller shall issue from time to time such periodic or special financial reports as may be requested by the mayor or board of supervisors.

ARTICLE IV

EXECUTIVE BRANCH - BOARDS, COMMISSIONS AND DEPARTMENTS

4.100 General

In addition to the office of the mayor, the executive branch of the City and County shall be organized into boards, commissions, departments and other units of government.

4.101 Boards and Commissions - General Provisions

Unless otherwise provided in this Charter, each board and commission of the City and County shall:

1. Adopt rules and regulations consistent with this Charter and ordinances of the City and County. No rule or regulation shall be adopted, amended or repealed, without a prior public hearing for which at least two weeks' notice shall have been given. All such rules and regulations shall be filed with the clerk of the board of supervisors;

2. Prepare an annual report describing its activities and reporting upon its financial condition, and file such report with the clerk of the board of supervisors;

3. Hold meetings open to the public and encourage the participation of interested citizens. Except for the following executive sessions, any action taken at other than a public meeting of any board or commission shall be void. Executive sessions closed to the public may be held:

(a) to consider the appointment, employment or dismissal of a public officer or employee, except when a public officer or employee being considered for dismissal requests a public hearing;

(b) to confer with legal counsel under circumstances in which the lawyer-client privilege may be invoked; and

(c) to confer with the attorney general, district attorney, sheriff or chief of police, or their respective deputies, on matters posing a threat to the security of public buildings or a threat to the public's right of access to public services or public facilities.

4. Retain independent counsel, subject to the consent of the mayor;

5. Propose for adoption rates, fees and similar charges with respect to appropriate items coming within their respective jurisdictions, and submit such proposals to the board of supervisors for approval or rejection as provided in Section 2.111 of this Charter;

6. Formulate, evaluate and approve goals, objectives, plans and programs and set policies consistent with the overall objectives of the City and County as determined by the mayor and the board of supervisors.

7. Review and approve the applicable departmental budgets prior to submission to the mayor, and any modifications thereto or fund transfers requiring the approval of the board of supervisors;

8. Conduct investigations into any aspect of departmental operations through the power of inquiry, and make recommendations to the mayor or the board of supervisors; and

9. Exercise such other powers and duties as shall be prescribed by ordinance.

Meetings of boards and commissions shall be at such times and places as shall be prescribed by ordinance. The presence of a majority of the members of a board or commission shall constitute a quorum for the transaction of business by such board or commission. Unless otherwise required by this Charter, the affirmative vote of a majority of the members of a board or commission shall be required for the approval of any matter by such board or commission, except that the rules and regulations of a board or commission may provide that, with respect to matters of procedure, the board or commission may act by the affirmative vote of a majority of the members present, so long as the members present constitute a quorum.

To the extent consistent with other provisions of this Charter, each board and commission shall provide in its rules and regulations that each member present at a regular or special meeting shall vote yes or no when a question is put, unless excused from voting by a motion adopted by a majority of the members present.

Each board and commission shall keep a record of the proceedings of each regular or special meeting. Such record shall indicate how each member voted on each question. These records shall be available for public inspection.

In furtherance of the discharge of its responsibilities, a board or commission may hold hearings and take testimony.

The composition of each board and commission shall be as representative of the communities of interest and diverse population in the City and County as is reasonably practicable, and shall have representation of both sexes.

In cases where this Article provides for the appointment of members of a board or commission for staggered terms, such board or commission shall be divided into Groups I through IV, respectively. In cases of a board or commission with (i) five members, Group I shall have two members, (ii) seven members, Groups I, II and III shall have two members and (iii) 15 members, Groups I, II and III shall have four members and Group IV shall have three members. Otherwise, each Group shall have only one member.

The terms of members in Groups I, II III or IV shall end on the Sunday preceding the second Monday in January of 1982, 1983, 1984 and 1985, respectively, and every four years thereafter.

No person shall serve as a commissioner or board member for more than two successive terms on the same commission or board.

All commissioners and board members shall receive equal compensation per meeting for their services. The compensation of commissioners and board members shall be prescribed by ordinance.

Vacancies on commissions and boards shall be filled for the balance of the unexpired term in the manner prescribed by this Charter or ordinance for initial appointments.

Commissioners and board members shall be residents of the City and County at all times during the term of their respective offices.

No board or commission shall involve itself in the administration of any department within its jurisdiction, except through the individual having administrative responsibility for such department.

4.102 Planning Commission

General

The planning commission shall consist of seven members appointed by the mayor for staggered four-year terms. Members may be removed by the mayor.

The planning commission shall nominate a director of planning. The mayor shall appoint or reject the planning commission's nomination. The director of planning may be removed by the planning commission. The director of planning shall be chosen on the basis of administrative and technical qualifications, with special regard for experience, training and knowledge in the field of city planning.

General Plan

The planning commission shall adopt and periodically revise, after public hearing, and recommend to the board of supervisors for final adoption by resolution a comprehensive general plan consisting of goals, policies and programs for the future social, economic and physical development of the City and County. The planning commission shall annually recommend to the mayor policies and priorities for consideration for inclusion in the mayor's annual policies and priorities resolution. The planning department shall periodically prepare special area, neighborhood and capital project plans designed to carry out the general plan, and periodically prepare implementation schedules which link the general plan to the allocation of local, state and Federal resources. The planning department may make such other reports and recommendations to the mayor, board of supervisors and other offices and governmental units as it may deem necessary to secure understanding and a systematic effectuation of the general plan.

Referral of Certain Matters

The following matters shall, prior to passage by the board of supervisors, be submitted for written report and recommendation by the planning commission for conformity with the general plan:

1. Proposed ordinances and resolutions concerning the acquisition of property by, or a change in the use or title of property owned by, the City and County;

2. Subdivisions of land within the City and County;

3. Projects for the betterment or improvement of public buildings or structures with the City and County;

4. Project plans for public and private housing, or publicly assisted private housing in the City and County;

5. Redevelopment project plans within the City and County; and

6. Such other matters as may be prescribed by ordinance.

The planning commission shall disapprove any proposed action referred to it upon a finding that such action does not conform to the general plan. Notwithstanding such a disapproval the board of supervisors may pass an ordinance or resolution approving the matter.

All such reports and recommendations shall be issued in a manner and within a time period to be determined by ordinance.

Permits and Licenses

All permits and licenses dependent on, or affected by, the zoning, or other ordinances administered by the planning department shall, subject to the planning commission's power to delegate its functions, be approved by the planning commission prior to issuance.

Zoning Amendments

The planning commission may propose for consideration by the board of supervisors ordinances and amendments thereto regulating or controlling the height, area, bulk, set-back, location, use or related aspects of any building, structure or land. An ordinance or amendment proposed by the board of supervisors concerning matters within the jurisdiction of the planning commission shall be reviewed by such commission. Proposals for the reclassification of property may be made by the application of interested property owners and their authorized agents and must be reviewed by the planning commission.

Notwithstanding the planning commission's disapproval of a proposal from the board of supervisors or the application of interested property owners or their authorized agents, the board of supervisors may adopt the proposed ordinance or amendment thereto; however, in the case of any proposal made by the application of interested property owners or their authorized agents, any such adoption shall be by a vote of not less than eight members of the board.

No application of interested property owners or their authorized agents proposing the same or substantially the same ordinance or amendment as that disapproved by the planning commission or by the board of supervisors shall be resubmitted to or reconsidered by the planning commission within a period of one year from the effective date of final action upon the earlier application.

Zoning Variances

The director of planning shall be responsible for the determination of all zoning variances. The director shall have the power to grant only those variances that are consistent with the general purpose and the intent of the zoning ordinance. The power to grant variances shall be applied only when the strict and literal interpretation and enforcement of the zoning ordinance would result in practical difficulties, unnecessary hardships or where the results would be inconsistent with the general purpose of the zoning ordinance. The board of supervisors shall establish by ordinance the procedure for action, hearing and appeal on zoning variances.

4.103 Board of Permit Appeals

General

The board of permit appeals shall consist of five members appointed by the mayor for staggered four-year terms. Members may be removed by the mayor for cause.

The board of permit appeals shall appoint and may remove an executive secretary.

The board of permit appeals shall hear and determine appeals with respect to any person who has been denied a permit or license, or whose permit or license has been suspended, revoked or withdrawn, or who believes that his or her interest or the public interest will be adversely

affected by the grant, denial, suspension or revocation of a license or permit. Other administrative remedies provided by ordinance shall be exhausted before an appeal may be taken to the board of permit appeals.

After a hearing and any necessary investigation, the board of permit appeals may concur in the action of the department involved, or by the affirmative vote of four members (or if a vacancy exists, by a vote of three members) overrule the action of the department upon a determination that:

1. The action was based upon an erroneous conclusion of law or understanding of a material fact;
2. The action was based upon an administrative rule or regulation that is clearly unreasonable as applied to the matter under consideration;
3. The departmental action was an abuse of discretion in applying relevant legal standards;
4. No standards to guide administrative action were provided;
5. The applicant has detrimentally relied upon a permit improperly issued by the department involved; or
6. The applicant has substantially complied with all legal requirements and has otherwise satisfied the purpose and intent of rules, regulations and ordinances and this Charter.

Where the board of permit appeals exercises its authority to modify or overrule the action of a department, it shall state its reasons in writing.

Any variance from a strict application of the terms of an ordinance may be granted only to the extent and under the circumstances expressly permitted by this Charter and the relevant ordinance.

Decisions of the board of permit appeals may be appealed to appropriate courts of law. Unless notice of an intent to appeal is filed with the board of permit appeals within thirty days of such decision and notice of appeal is filed with the court within the period of time established by law, such decisions shall conclusively determine the rights of the applicant and the City and County.

4.104 Human Rights Commission

General

The human rights commission shall consist of 15 members appointed by the mayor for staggered four-year terms. Members may be removed for cause by the mayor.

The human rights commission shall appoint and may remove a director.

The human rights commission shall:

1. Investigate complaints of unlawful discrimination against any person because of race, creed, national origin, age, handicap, sex, sexual orientation or any additional categories of individuals which the board of supervisors may designate by ordinance;

2. Ensure the civil rights of all citizens;

3. Ensure that the affirmative action plans of each department of the City and County are current and are being properly implemented; and report on the implementation of such affirmative action plans to the mayor and board of supervisors;

4. Promote understanding among the residents of the City and County and work cooperatively with governmental agencies, community groups and others to eliminate discrimination and the results of past discrimination by furnishing information, guidance and technical assistance;

5. Study, investigate, mediate and make recommendations with respect to the solving of community-wide problems resulting in intergroup tensions and discrimination;

6. Implement the provisions of ordinances prohibiting discrimination in all contracts and subsequent subcontracts, franchises, leases, concessions or other agreements for or on behalf of the City and County involving personal property or the lease, rental, or other use of real property and improvements thereon of the City and County; and

7. Issue such rules and regulations for the conduct of its business and prepare ordinances with respect to human rights for consideration by the board of supervisors as are necessary to carry out the purposes of this Section.

In furtherance of its responsibilities set forth above, the human rights commission may hold hearings, issue subpoenas to require witnesses to appear and require the production of evidence, administer oaths, take testimony, and issue appropriate orders and petitions for court orders in such manner as may be prescribed by law.

4.105 Fire Commission

The fire commission shall consist of five members appointed by the mayor for staggered four-year terms. Members may be removed by the mayor.

The fire commission shall nominate a fire chief. The mayor shall appoint or reject the commission's nomination. The fire chief may be removed by the fire commission.

The fire commission shall act as a review body to investigate and decide disputed actions of the fire department or any of its members, by having the power to issue subpoenas to require witnesses to appear and require the production of evidence, administer oaths, and take testimony. The commission may hire investigators to fulfill this duty.

4.106 Police Commission

The police commission shall consist of five members appointed by the mayor for staggered four-year terms. Members may be removed by the mayor.

The police commission shall nominate a chief of police. The mayor shall appoint or reject the commission's nomination. The chief of police may be removed by the police commission.

The police commission shall act as a review body to investigate and decide disputed actions of the police department or any of its members, by having the power to issue subpoenas to require witnesses to appear and require the production of evidence, administer oaths and take testimony. The commission may hire investigators to fulfill this duty.

4.107 Health Commission

The health commission shall consist of seven members appointed by the mayor for staggered four-year terms. Members may be removed by the mayor.

The health commission shall nominate and the mayor shall appoint or reject the executive of the department. The executive of the health department may be removed by the health commission.

4.108 Social Services Commission

The social services commission shall consist of seven members appointed by the mayor for staggered four-year terms. Members may be removed by the mayor.

The social services commission shall nominate and the mayor shall appoint or reject the executive of the department. The executive of the social services department may be removed by the social services commission.

4.109 Public Utilities Commission

The public utilities commission shall consist of five members appointed by the mayor for staggered four-year terms. Members may be removed by the mayor.

The public utilities commission shall nominate and the mayor shall appoint or reject a general manager of public utilities. The general manager of public utilities may be removed by the public utilities commission.

4.110 Recreation and Parks Commission

The recreation and parks commission shall consist of seven members appointed by the mayor for staggered four-year terms. Members may be removed by the mayor.

The recreation and parks commission shall nominate and the mayor shall appoint or reject the executive of the department. The executive of the recreation and parks department may be removed by the recreation and parks commission.

A minimum of ten cents per \$100 assessed valuation for constructing, maintaining and improving parks and squares shall be appropriated to the recreation and parks commission.

4.111 Port Commission

Composition

The San Francisco Port Commission shall consist of five members who shall be appointed by the mayor, their appointment being subject to confirmation by the board of supervisors. Each of said members shall serve for a term of four years. Vacancies on the commission shall be filled by the mayor for the unexpired portion of the term. Persons appointed to the port commission shall be subject to recall, suspension and removal in the same manner as an elected official. The compensation of each member of said port commission shall be \$1,200 per year.

Powers and Duties

The port commission shall have all the powers and duties given to boards and commissions by Section 4.101 of this Charter and shall have the power to establish such departments and bureaus as may be necessary or convenient for the conduct of its affairs. Subject to the terms and conditions of the transfer and any supplemental agreements relating thereto, the port commission shall have the control and management of all real and personal property transferred under the Statutes 1968, ch. 1333, or otherwise acquired or purchased with funds under its control or acquired or purchased by it within the scope of its authority, or otherwise placed under its management, supervision and control. The property under the control and management of the commission shall be known as the port area. The port commission shall have the power and duty to use, conduct, operate, maintain, manage, regulate, and control the port area of San Francisco and to do all things it deems necessary in connection with the use, conduct, operation, management, maintenance, regulation, improvement and control of said port area, or which may further the interests of the port in world trade, including, without limiting the generality of the foregoing, the exclusive power to perform or accomplish the following:

(a) The improvement, operation and conduct of the harbor, and any and all improvements or facilities located thereon;

(b) The construction, reconstruction, repair, operation and use of all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of commerce and navigation, or located within the port area;

(c) The establishment, improvement and conduct of railroad and aviation facilities and all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and conduct of air commerce and navigation and railroad transportation;

(d) The construction, reconstruction, repair, maintenance and operation of public buildings, parks, playgrounds, public educational and recreation facilities and all works, buildings, facilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses;

(e) The preservation or restoration of marine resources consistent with the primary mission of the harbor of San Francisco;

(f) The grant of franchises thereof for limited periods not exceeding 66 years for wharves and other public uses and purposes and the lease of said lands, facilities, or any part thereof for limited periods not exceeding 66 years, and the collection and retention of rents and other revenues from such leases, franchises, permits, licenses, and privileges. Such lease or leases, franchises, permits, licenses, and privileges shall be for purposes consistent with the trusts upon which the lands are held by the state and with the requirements of commerce and navigation, or if the port commission of the City and County of San Francisco determines that any portion of the transferred lands is not required for the foregoing uses described in this section, such lease or leases, franchises, permits, licenses, and privileges, may be for the purposes of such development and use as the commission finds maximum profits to be in the public interest with the profits therefrom to be used by the commission in the furtherance of commerce and navigation;

(g) Leases and franchises granted or made by the port commission shall be administered exclusively by the operating forces of the port commission;

(h) The power to nominate for appointment a port director who shall be the chief executive of

the port commission and who shall have the management of all the affairs and activities placed under the jurisdiction of the commission. The mayor shall appoint a port director. He or she shall devote his or her entire time to the duties of his or her office and his or her salary shall be fixed by the commission. He or she shall hold his or her office at the pleasure of the commission and shall have the management of said harbor and of all of the facilities and equipment thereof and all bureaus and departments established for the operation of said harbor or for the operation of any equipment or facility thereof. Subject to the approval of the commission he or she shall appoint and remove any and all heads of departments or bureaus, who may not be subject to the civil service provisions of this Charter. He or she shall possess the necessary administrative, executive and technical qualifications necessary to enable him or her to perform the duties of his or her office. His or her compensation shall not exceed prevailing salaries paid those holding similar positions in comparable maritime employment. The commission may confer on him or her such additional powers and authority as it may see fit;

(i) To regulate the berthing, anchoring, towing, loading and unloading and mooring of vessels within the port;

(j) To issue receipts, negotiable or otherwise, for property or merchandise in its charge or possession;

(k) To fix all rates, dockage, rentals, tolls, wharfage, and charges, for the use and occupation of the public facilities or appliances of the port, and for services rendered by the port commission, and to provide for the collection thereof;

(l) To enter into contracts, agreements, or stipulations germane to the scope of its powers and duties;

(m) To give such bonds or assurances as may be required by the United States in the operations permitted hereunder;

(n) To provide and equip offices within or without the port, within other states, or in foreign countries, and through such employees and agencies as it may deem expedient;

(o) To contract for and operate foreign trade zones within the port area or auxiliary to the port area, or such zones or sub-zones as have been operated by the San Francisco Port Authority. Agreement may be made with the public utilities commission for operation of future zones or sub-zones in other areas;

(p) May promote the maritime and commercial interests of the harbor by advertising its advantages and facilities and by the solicitation of business. The advertising and solicitation may be conducted within or without this state and through such agencies, mediums, employees and agents as are determined by the commission. The commission may, in its discretion, publish and distribute a magazine, pamphlets, booklets and other printed and advertising matter for the purpose of developing traffic and promoting and maintaining the commerce and prestige of the port, and may use any moneys of the harbor fund for the special purposes authorized by this provision. Members and employees of the commission in attending conventions of port authorities and meetings of transportation clubs, trade associations and business organizations that may advance the interests of the port shall be allowed their actual necessary expenses in the performance of such services as may from time to time be deemed desirable by the commission and shall be allowed hospitality expenses necessarily incurred in furthering the interests of the port;

(q) To issue revenue bonds;

(r) To expend all funds necessary to the carrying out of the powers and duties herein expressed; and

(s) This section does hereby vest in the port commission all of the powers set forth in Section 3 and Section 5 of the Statutes of 1968, Chapter 1333, which provisions are hereby incorporated in this Charter by this reference.

Transfer of Harbor

The City and County of San Francisco shall accept the transfer and assume jurisdiction and control of the harbor of San Francisco and the facilities thereof in accordance with the terms and conditions of Statutes 1968, ch. 1333. All the powers and duties incident to the management, government, control and administration of said harbor and all properties and utilities used in connection therewith, shall be vested in the port commission of the City and County of San Francisco.

The board of supervisors of the City and County of San Francisco shall have and is hereby granted power to enter into any agreement with the State of California, the director of finance, or any officer, agency or commission of the State of California, and to pass all necessary legislation and to do or perform any other act or acts deemed necessary to effect the transfer of the jurisdiction and control of the harbor of San Francisco, or any of the facilities thereof, to the City and County of San Francisco.

Status of Employees

All employees of the port authority who, at the time the transfer provided for herein shall go into effect, are members of the Public Employees' Retirement System of the State of California shall continue to be members of said Public Employees' Retirement System, with all the rights, privileges and benefits of said system and they shall not be members of the San Francisco City and County Employees' Retirement System; and, notwithstanding any other provisions of this Charter, the City and County shall perform all acts necessary to continue the membership of such employees in said Public Employees' Retirement System.

All employees of the port authority who, at the time the transfer provided for herein shall go into effect, are covered under the provisions of a retirement program other than the Public Employees' Retirement System of the State of California shall thereafter continue to be covered under such retirement program and they shall not be members of the San Francisco City and County Employees' Retirement System; and, notwithstanding any other provisions of this Charter, the City and County shall perform all acts necessary to continue the coverage of such employees under such retirement program.

Persons who, after the transfer provided for herein has gone into effect, become employees of the City and County in positions related to the operation of the State Belt Railroad and who become covered under the provisions of the Railroad Retirement Act by virtue of their employment in such positions shall not be members of the San Francisco City and County Employees' Retirement System.

Budgeting and Fiscal Procedure

In the matter of the control and operation of the harbor and of the facilities and equipment thereof, including the matter of budgets and appropriations, the port commission shall be subject to the budgetary and fiscal procedure elsewhere provided for in this Charter.

Legal Adviser

The city attorney shall be the legal adviser of the commission, and may, with the approval of the commission, compromise, settle or dismiss any litigation or legal proceeding, pending for or on behalf of the commission relative to any matter under its jurisdiction, and said commission may with the consent of the mayor appoint special counsel.

4.112 Airports Commission and Department

The airports commission shall consist of five members appointed by the mayor for staggered four-year terms. Members may be removed by the mayor.

The airports commission shall nominate the airports director. The mayor shall approve or reject the commission's nomination. The airports director may be removed by the airports commission.

4.113 Departments - General Provisions

Except as otherwise provided by this Charter, the responsibilities of each department within the executive branch shall be prescribed by ordinance.

The administration of each department within the executive branch shall be the responsibility of the official so designated by this Charter or, where permitted, by ordinance. Such officials may appoint individuals to fill all positions within their departments which are exempt from the civil service provisions of this Charter. In furtherance of

the discharge of their administrative responsibilities, such officials shall adopt rules and regulations governing matters within the jurisdiction of their respective departments. Such officials may reorganize their respective departments.

4.114 Police Department

The police department shall preserve the public peace, prevent and detect crime, and protect the rights of persons and property by enforcing the laws of the United States, the State of California and the City and County.

The chief of police may appoint, and remove at pleasure, special police officers.

The chief of police shall have all powers which are now or that may be conferred upon a sheriff by the laws of the State of California with respect to the suppression of any riot, public tumult, disturbance of the public peace or organized resistance against the laws or public authority.

Patrol Special Officers

The police commission may appoint patrol special officers and may suspend or dismiss patrol special officers, for cause, after a fair and impartial hearing on charges duly filed with the commission.

District Police Stations

The police department shall maintain and operate district police stations. The police commission, subject to the approval by resolution of the board of supervisors, may establish additional district stations, abandon or relocate any district station or consolidate any two or more district stations.

4.115 Fire Department

The fire department shall enforce all applicable laws pertaining to the prevention, protection, control and investigation of fires.

The fire chief shall cause the fire department to inspect all occupied or vacated structures to determine compliance with applicable laws relative to fire prevention, protection and control and also the protection of persons and property from fire.

The fire chief may during a conflagration cause to be cut down or otherwise remove any structure for the purpose of checking the progress of the conflagration.

4.116 Executive Branch Reorganization

Whenever the mayor determines that a reorganization is necessary in order to improve the effectiveness of the City and County's administration, the mayor may reorganize duties and functions between departments and other units of government within the executive branch by executive order. Such reorganization shall become effective 30 days after its issuance unless disapproved by the board of supervisors by resolution within 30 days of its issuance.

A proposed reorganization shall provide for the transfer of:

1. Civil service employees who are engaged in the performance of a function or duty transferred to another office, agency or department; such transfer shall not adversely affect status, position, compensation or pension or retirement rights and privileges; and

2. Any unexpended balances of appropriations and other funds available for use in connection with any office, agency department or function affected by the reorganization; any unexpended balance so transferred shall be used only for the purpose for which the appropriation was originally made, except as this Charter otherwise permits.

ARTICLE V

OTHER ELECTIVE OFFICERS

5.100 Designation of Other Elective Officers

In addition to the officers required to be elected under other Articles of this Charter, the following shall constitute the other elective officers of the City and County: the assessor, city attorney, district attorney, public defender, sheriff and treasurer. Each such officer shall be elected for a four-year term, and shall serve full time in their respective capacities.

The city attorney, district attorney and public defender shall each be licensed to practice law in all courts of the State of California and shall have been so licensed for at least five years next preceding election. Such officials shall not engage in the private practice of law during the period they serve as elective officers of the City and County.

In addition to the powers and duties set forth in this Charter the officers named in this Section shall have the powers and duties prescribed by the laws of the State of California for their respective office.

5.101 Assessor

The assessor shall equitably and effectively administer the property tax system of the City and County.

5.102 City Attorney

The city attorney shall:

1. Represent the City and County in legal proceedings with respect to which it has an interest;
2. Represent an officer of the City and County when directed to do so by the board of supervisors, unless the cause of action exists in favor of the City and County against such officer;
3. Whenever a cause of action exists in favor of the City and County, commence legal proceedings when such action is within the knowledge of the city attorney or when directed to do so by the board of supervisors;

4. Upon request, provide advice or written opinion to any elected officer, department head or board or commission, or member thereof, of the City and County;

5. Settle or dismiss legal proceedings for or against the City and County, solely upon order of the board of supervisors;

6. Approve as to form all bonds, contracts and, prior to enactment, all ordinances, and examine and approve title to all real property to be acquired by the City and County;

7. Prepare and make available to the public an annual codification of ordinances of the City and County then in effect; and

8. Prepare and make available to the public an annual edition of this Charter complete with all amendments and annotations thereto.

5.103 District Attorney

The district attorney shall prosecute all criminal cases in the municipal and superior courts and issue warrants for the arrest of persons charged with crimes to be prosecuted in such courts.

5.104 Public Defender

The public defender shall, upon the request of an accused who is financially unable to employ counsel or, upon order of the court, defend or give counsel or advice to any person charged with the commission of a crime or in danger of criminal prosecution.

5.105 Sheriff

The sheriff shall have the following powers:

1. Keep the county jail;

2. Receive all prisoners committed to jail by competent authorities;

3. Execute the orders and legal processes issued by the municipal court; and

4. Upon order of the municipal court, detail necessary bailiffs to the civil departments of the court.

5.106 Treasurer

The treasurer shall be responsible for the collection of taxes and shall receive all monies collected by the City and County for safeguard, deposit and investment in accordance with sound financial practices applicable to the municipalities and counties.

5.107 Vacancies

If the position of assessor, city attorney, district attorney, public defender, sheriff or treasurer shall become vacant because of death, resignation, permanent disability or the inability of the respective officer to otherwise carry out the responsibilities of the office, the mayor shall appoint an individual qualified under this Charter and the laws of the State of California, subject to confirmation by the board of supervisors. Such appointee shall serve until the next general municipal or statewide election, at which time an election shall be held to fill the unexpired term.

ARTICLE VI
JUDICIAL BRANCH

6.100 Municipal and Superior Courts

The municipal and superior courts of the City and County shall conform to the requirements of the laws of the State of California.

The judges of the municipal court shall meet at such times as the presiding judge may require, and shall prescribe such rules and regulations as are necessary and proper for the advancement of justice and prevention of delay in the business of the court.

In January of each year, the presiding judge, acting through the clerk of the court, shall file with the board of supervisors a report of the business of the court covering the preceding calendar year.

The presiding judge of the municipal court shall supervise and direct the clerk of the municipal court.

Any fees required to be collected by the municipal court or the clerk of such court shall be paid into the treasury of the City and County.

6.101 Probation Officers

A majority of the superior court judges of the City and County shall appoint the adult probation officer and the chief probation officer of the juvenile court. Such officers may be removed only by a vote of a majority of the judges of the superior court. Prior to any such removal, either officer may request a hearing before a committee of five judges appointed by the presiding judge. The salaries of such officers, their assistants, deputies and employees shall be fixed by the board of supervisors.

ARTICLE VII

EDUCATION AND LIBRARIES

7.100 Board of Education and Governing Board

The unified school district shall be under the control and management of a board of education. The community college district shall be under the control and management of a governing board. Each board shall be composed of seven members who shall be elected by the voters of the respective districts. No member of one board shall be eligible to serve on the other board.

7.101 Compensation

The compensation for each member shall be \$100 per month.

Vacancies occurring on the respective boards shall be filled by the mayor.

The respective boards shall have the power to employ teachers and other persons as may be necessary in accordance with state law and this Charter. The superintendent of the unified school district shall also be the superintendent of the County school district and shall be appointed by the board of education; the chancellor of the community college district shall be appointed by the governing board. The superintendent shall be the executive officer of the board of education; the chancellor, of the governing board. The superintendent and chancellor shall have the powers and duties provided by state law and this Charter; each may appoint a confidential secretary who shall hold office at the pleasure, respectively, of the superintendent and the chancellor.

During the terms of their respective offices, the following persons shall reside in the City and County: the superintendent and the associate and the assistant superintendents of the unified school district; and the chancellor and presidents of the community college district.

All positions, except positions to be filled by certified employees and paraprofessional employees, shall be subject to the personnel provisions of this Charter. The compensation of these persons shall be fixed in accordance with this Charter.

7.102 Unified School District, Administrators

All heads of departments, principals, assistant principals, supervisors and directors shall be employed pursuant to four-year contracts, which contracts shall be subject to renewal based upon achieving and maintaining standards of performance.

7.103 Student Representation

A student representative shall serve on the board of education and the community college governing board in accordance with state law.

7.104 Libraries

The library commission shall consist of seven members appointed by the mayor for staggered four-year terms. Members may be removed by the mayor for cause.

The commission shall appoint the head of the library department who shall serve at its pleasure.

The library department shall maintain and operate the library system of the City and County subject to the policy supervision of the library commission.

A minimum of four cents per \$100 assessed valuation shall be appropriated for constructing, maintaining, and improving the libraries.

ARTICLE VIII

ARTS AND CULTURE

8.100 General

Persons appointed to the commissions named in this Article shall be representative of the City and County at large, and shall be recognized for their broad knowledge, expertise and profound interest in the purposes for which the commissions to which they are appointed are established.

Commissioners shall serve no more than two consecutive terms on the same commission.

All vacancies on commissions named in this Article shall be filled within 90 days of their occurrence.

In cases where this Article provides for the appointment of members of a board or commission for staggered terms, such board or commission shall be divided into Groups I through IV, respectively. In cases of a board or commission with (i) 10 members, Groups I and II shall have three members, and (ii) 11 members, Groups I, II and III shall have three members. Otherwise, each Group shall have only two members.

In case of the Asian art commission, with 27 members, Groups I, II and III shall have seven members, and Group IV shall have six members.

The terms of members in Groups I, II, III or IV shall end on the Sunday preceding the second Monday in January of 1982, 1983, 1984 and 1985, respectively, and every four years thereafter.

Each commission shall comply with the terms and conditions of any gifts, devises, trusts, bequests or other agreements granting works of art or other contributions.

A minimum of 20 percent of the amount of the receipts of the hotel occupancy tax, if the rate were eight percent, shall be allocated to and administered by the director of administration for the support of groups and organizations engaged in the arts, culture and promotion. In making the disbursements, the director of administration shall consider recommendations provided by the art commission.

8.101 Art Commission

The art commission shall consist of 15 members appointed by the mayor for staggered four-year terms. Ten members shall be practicing arts professionals, including the performing, visual, literary and architectural arts, and five members shall be lay members. Commission members may be removed for cause by the mayor.

The art commission shall appoint and may remove a director. The director may appoint deputy directors, with the concurrence of the commission.

The art commission shall encourage artistic awareness, participation and expression; assist independent local groups with the development of their own programs; promote the employment of artists, and those skilled in crafts, in the public and private sectors; provide liaison with state and Federal agencies to insure increased funding for the arts from these agencies as well as represent arts issues in the respective governmental bodies; promote the continued availability of living and working space for artists within the City and County; and enlist the aid of all City and County governmental units in the task of ensuring the fullest expression of artistic potential by and among the citizens of San Francisco.

In the furtherance of the above, the art commission shall:

1. Approve the designs for all public structures, and any private structure which extends over or upon any public property;

2. Approve the design and location of all works of art before they are acquired or released by the City and County, or are placed upon or removed from City and County property, or are altered in any way; and maintain and keep in good condition an inventory of works of art and the works of art owned by the City and County. This provision shall not apply to works of art under the jurisdiction of any City and County art museum commission;

3. Maintain a neighborhood arts program to encourage and support an active interest in the arts on a local and neighborhood level, establish liaison between community groups and develop support for neighborhood artists and arts organizations;

4. Supervise and control the expenditure of all appropriations made by the board of supervisors for music and the advancement of art or music; and

5. Review and make recommendations to the director of administration with respect to the allocation of funds appropriated for publicity and advertising.

The art commission's responsibilities shall not limit the responsibilities of the Asian art commission, fine arts museum commission, the war memorial and performing arts center commission or the California Academy of Sciences.

One half cent on each \$100 of assessed valuation in the City and County shall be allocated for the purpose of maintaining a symphony orchestra.

8.102 Asian Art Commission

The Asian art commission shall consist of 27 members appointed by the mayor for staggered four-year terms. Members may be removed for cause by the mayor. The commission may provide through its rules and regulations for the appointment of an executive committee, which shall have authority to act in all matters on behalf of the commission.

The commission shall appoint and may remove the director of the Asian art museum.

The Asian art commission shall:

1. Develop and administer the Asian art museum;
2. Control and manage the Asian art collection with the Avery Brundage collections as its nucleus;
3. Create a foundation or other legal entity for development purposes;
4. Promote, establish and develop an acquisition fund for Asian art objects; and
5. Collaborate with groups to sponsor educational programs concerning Asian art and culture.

8.103 California Academy of Sciences

All buildings and improvements erected by or under the authority of the California Academy of Sciences, in or

on property owned or controlled by the City and County, including but not limited to the Steinhart Aquarium, the original Natural History Museum, the Simson African Hall, and the additions housing, among other things, the Alexander F. Morrison Planetarium and Auditorium, are the property of the City and County. However, the buildings and improvements, and the activities and personnel therein shall be controlled exclusively by the California Academy of Sciences, except that employees of the City and County shall be subject to the civil service and salary standardization provisions, and City and County funds are subject to the financial provisions of this Charter.

The California Academy of Sciences shall submit to the mayor and the board of supervisors an annual financial statement of its activities in connection with the operation of the buildings described in this section.

8.104 Fine Arts Museums Commission

The fine arts museums commission shall consist of 32 members, 26 to be elected by the members of the commission, and six to be appointed, and removable for cause, by the mayor. The commission may provide through its rules and regulations for the appointment of an executive committee, which shall have authority to act in all matters on behalf of the commission.

The commission shall appoint and may remove a director of the fine arts museums.

The fine arts museums commission, as governors of the fine arts museums of the City and County, shall be responsible for setting the public course the museums will follow. The commission's first responsibility shall be to assure that the museums are open, accessible and vital contributors to the cultural life of the City and County, and that the museum's programs bring art appreciation and education to all the people of the City and County.

The fine arts museum department, subject to the policy supervision of the fine arts museums commission, shall maintain and operate the California Palace of the Legion of Honor and the M. H. deYoung Memorial Museum without limitation.

8.105 War Memorial and Performing Arts
Center Commission

The war memorial and performing arts center commission shall consist of 11 members appointed by the mayor and confirmed by the board of supervisors for staggered four-year terms. In making appointments the mayor shall give due consideration to veterans of all wars. Members may be removed for cause by the mayor.

The commission shall appoint and may remove the director of the war memorial and performing arts center.

The war memorial and performing arts center commission shall have policy supervision and the director shall have management responsibility for the construction and operation of the veterans building and opera house.

ARTICLE IX

FINANCIAL PROVISIONS

9.100 The Annual Budget

The annual budget shall be a complete financial plan for the City and County, and shall include:

1. Estimated revenues (from whatever source derived) and all proposed expenditures; but in no event shall proposed expenditures exceed estimated revenues so as to provide a balanced budget;

2. Appropriate entries with respect to each item of surplus or deficit from the preceding fiscal year.

3. Information with respect to capital expenditures, facilities maintenance and public employees retirement as required by this Charter; and

4. A method to permit a comparison, during the course of a fiscal year and at the end of a fiscal year, of the value of services received for the public dollars expended.

9.101 Annual Budget Schedule and Form Ordinance

At such time as shall permit the orderly preparation of the annual budget, the mayor shall submit to the board of supervisors a proposed ordinance with respect to the following matters:

1. The establishment of the City and County's fiscal year;

2. A schedule for the orderly preparation, submission and adoption of the annual budget, consistent with the requirements of this Charter;

3. A description of the form of the annual budget, providing for the presentation of information in a clear and concise manner and requiring consistency with the financial records required by Section 3.106 of this Charter so as to permit analysis and comparisons from year to year;

4. A procedure for the reallocation of funds among programs, services and activities; and

5. A procedure to encourage public participation in the budgetary process, which shall include budget hearings open to the public at the departmental, mayoral and supervisorial levels, and the preparation by the mayor of a clear and concise summary of essential budget information which will permit analysis and comparison from year to year.

9.102 Preparation and Submission of the Annual Budget

At least 60 days prior to the commencement of each fiscal year the mayor shall submit to the board of supervisors a proposed annual budget, and shall file such proposed annual budget at the main library for public inspection. The proposed annual budget shall be consistent with the policies and priorities resolution required by Section 3.100 of this Charter, and shall be accompanied by a clear and concise description of the proposed annual budget.

9.103 Adoption of Annual Budget; Appropriations; and Tax Levy

The board of supervisors shall adopt an expenditure budget and a revenue budget which shall be balanced and shall not exceed the expenditure estimate of the mayor's annual budget as submitted to the board.

The mayor may veto any amendment made by the board of supervisors within ten days of adoption of the budget. The board of supervisors may pass the annual budget over the mayor's veto by the affirmative vote of eight members within ten days following the veto.

Promptly following the tenth day after the adoption of the annual budget, the board of supervisors shall adopt an appropriations ordinance and a tax levy ordinance. Each such ordinance shall be based upon and consistent with the annual budget.

Only upon adoption of and pursuant to the appropriations ordinance may obligations be incurred and expenditures be made for the ensuing year.

9.104 Amendment After Adoption

At any time during a fiscal year, the mayor may submit to the board of supervisors amendments to the annual budget and the annual appropriations ordinance. The proposed amendments may be further amended by the board of supervisors. Such amendments may:

1. Adjust revenues and expenditures included in the annual budget, and provide for their appropriation or reduction so as to ensure that proposed expenditures do not exceed estimated revenues from all sources;

2. Transfer an uncommitted appropriation balance from one program, service or activity to another in accordance with the requirements of the annual budget schedule and form ordinance; and

3. Meet a public emergency affecting life, health or property which may require emergency appropriations in accordance with Article II of this Charter.

Amendments to the annual budget and the appropriations ordinance may be adopted under the same procedure as required for the adoption of the annual budget and the appropriations ordinance, respectively.

9.105 Capital Improvements, Facilities Maintenance and Public Employee Retirement Elements

Capital Improvements and Facilities Maintenance Elements

The capital improvements and facilities maintenance elements of the annual budget shall contain the following information:

1. Estimates of expenditures required to carry out long range programs of capital improvements and facilities maintenance;

2. Estimates of expenditures required for proposed capital improvements and facilities maintenance programs during the fiscal year covered by the annual budget; and

3. Estimates of amounts expected to be appropriated for these programs during the fiscal year covered by the annual budget.

Public Employee Retirement Element

The public employee retirement element of the annual budget shall contain the following information:

1. Estimates of expenditures required to fully fund the City and County's portion of the cost of future

benefits incurred during the fiscal year covered by the annual budget, based upon the funding method adopted by the employees' retirement board described in Section 12.100 of this Charter;

2. Estimates of expenditures required to fully fund the past service and any other supplemental costs allocated to the fiscal year covered by the annual budget, based upon the funding method for such costs adopted by such San Francisco Employees' Retirement System Board;

3. Amounts actually appropriated to meet the City and County's obligations to the retirement system;

4. Total actual expenditures during the preceding fiscal year;

5. Total actual income during the preceding fiscal year, including City and County contributions, employee contributions and return on fund assets; and

6. Change in ratios of assets to liabilities during the preceding fiscal year.

9.106 Capital Improvements and Facilities
Maintenance Programs

Not later than 90 days prior to the commencement of each fiscal year, the mayor shall submit to the board of supervisors proposed capital improvements and facilities maintenance programs covering the next six years.

The capital improvements program shall describe:

1. All capital improvement projects planned;

2. The source and amount of planned annual capital improvements expenditures;

3. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired and the assumptions underlying such estimates;

4. The estimated annual revenues, if any, to be generated and the assumptions underlying such estimates; and

5. Other information pertinent to the evaluation of the capital improvements program.

All capital improvement projects must be reviewed by the planning department of the City and County for conformity with the general plan. The information in the capital improvements program may be modified or extended each year for capital improvements pending or in process of acquisition or construction. The board of supervisors may delete projects from the capital improvements program as submitted to it, but may not otherwise amend the program until it has requested and considered the recommendations of the planning department. However, the board of supervisors may act without such recommendations if they are not received within 30 days from the date requested.

The facilities maintenance program shall describe:

1. Necessary maintenance, including the repair, reconstruction and replacement of all capital equipment, structure and grounds owned or operated by the City and County;
2. The amount of annual expenditures necessary for such maintenance;
3. The source and amount of planned annual expenditures for such maintenance; and
4. Other information pertinent to the evaluation of the facilities maintenance program.

The board of supervisors shall by resolution adopt the capital improvements and facilities maintenance programs as proposed or amended within 60 days after submission.

9.107 General Obligation Bonds

When permitted by the Constitution of the State of California, whenever the board of supervisors shall determine that the public interest or necessity requires the construction, acquisition, completion, remodeling or repair of any public improvement or works of the City and County, the cost of which will be too great to be paid out of the ordinary annual income and revenue of the City and County, the board of supervisors may, by ordinance, order the submission of the proposition of incurring bonded indebtedness, for the purpose set forth in such ordinance, to the voters of the City and County, at an election held for that purpose. Such ordinance shall be published in accordance with the provisions of this Charter governing publication of ordinances. Approval of such bonded indebtedness shall require the

affirmative vote of two thirds of the votes cast with respect to the proposition at the election.

9.108 Revenue Bonds

Revenue bonds may be issued only with the assent of a majority of the voters voting upon such proposition, except that no voter approval shall be required with respect to revenue bonds:

1. Approved by resolution adopted by nine members of the board of supervisors if the bonds are to finance buildings, fixtures or equipment which are deemed necessary by the board to comply with an order of a duly constituted state or Federal authority having jurisdiction over the subject matter;

2. Approved by the board of supervisors prior to January 1, 1977;

3. For the purposes set forth in and pursuant to the provisions of the Marks-Foran Residential Rehabilitation Act of 1973, as amended;

4. [Include provision conforming to Proposition B]; or

5. For the purpose of acquiring, constructing, improving or developing grounds or facilities under the jurisdiction of the port commission.

In connection with the issuance and sale of revenue bonds pursuant to this Charter, the board of supervisors may use any of the provisions of the Revenue Bond Law of 1941 (Chapter 6 of Part 1, Division 2, Title 5 of the Government Code, commencing with Section 54300).

9.109 Lease Financing

The City and County may enter into public leaseback only with the assent of the majority of the voters voting upon such proposition. As used in this Section, public leaseback shall mean any lease, sublease, contract or other agreement made directly or indirectly between the City and County and any public agency or authority, a non-profit corporation or a retirement system ("leaseback corporation") under which payments provided by the City and County will be used, in whole or in part, by the leaseback corporation for payment of principal of or interest on its bonds, notes or other evidence of indebtedness.

9.110 Refunding Bonds

The board of supervisors is hereby authorized to provide for the issuance of bonds of the City and County for the purpose of refunding any bonds (general obligation or revenue) or any series or issue of bonds of the City and County then outstanding. In connection with the issuance and sale of refunding bonds the board of supervisors may use any of the provisions of Article 9 of Chapter 3 of the Government Code of the State of California, Section 53550 et seq.

9.111 Bond Election by Petition

Proceedings for the authorization and issuance of bonds for the acquisition, construction or completion of any public utility or utilities may be initiated by electors in the manner following: Whenever a petition, signed by qualified electors of the City and County equal in number to 15 percent of the electors who voted for all candidates for the office of mayor at the last general election at which a mayor of the City and County was elected, requesting the board of supervisors to submit to the electors of the City and County a proposition or propositions for incurring bonded indebtedness for the acquisition, construction or completion of any public utility or utilities shall be filed with the registrar of voters, the board of supervisors shall promptly call an election and submit to the electors the proposition or propositions of incurring bonded indebtedness of the City and County for the purpose or purposes set forth in said petition.

9.112 Sale of Bonds

Bonds may be sold at public or private sale upon such terms and conditions as the board of supervisors deems to be in the public interest. Bonds may be sold at a price below the par value thereof; provided, however, that the discount on any bonds so sold shall not exceed six percent of the par value thereof.

ARTICLE X

PERSONNEL ADMINISTRATION

10.100 Purpose

The purpose of the personnel system of the City and County shall be:

1. To recruit, select and advance employees on the basis of their relative ability, knowledge and skill;

2. To ensure fair treatment of employees and applicants in all aspects of personnel administration without regard to race, color, religion, sex, national origin, sexual orientation, political affiliation, age, disability or other nonmerit factors and with proper regard for their privacy and constitutional rights as citizens;

3. To train employees as needed to assure quality performance; and

4. To provide a mechanism for encouraging and evaluating management and employee productivity.

10.101 Civil Service Commission

The civil service commission shall consist of five members appointed by the mayor for staggered four-year terms. The civil service commission shall be divided into Groups I through IV, respectively. Group I shall have two members. Each other Group shall have one member. The terms of members in Groups I, II, III or IV shall end on the Sunday preceding the second Monday in January of 1982, 1983, 1984 and 1985, respectively, and every four years thereafter. Members may be removed by the mayor for cause, with the consent of the board of supervisors.

The civil service commission shall appoint and may remove an executive secretary.

The civil service commission shall have the power to conduct investigations into any aspect of the operation of the personnel system of the City and County and to make recommendations to the mayor and the board of supervisors. The civil service commission may require periodic reports from the personnel director in a manner and form which it shall prescribe.

The civil service commission shall hear appeals with respect to:

1. Alleged improper action under, or denial of rights provided by, this Charter, ordinances and rules and regulations with respect to personnel practices of the City and County.

2. Disputes concerning classification decisions of the personnel department; and

3. Alleged violation of civil service rules and regulations, or fraud concerning examinations; except that technical matters concerning the content of examinations shall be determined by the personnel director and there shall be no right of appeal to the civil service commission.

Notwithstanding the preceding paragraph, matters covered by labor-management agreements to which the City and County is a party shall be subject to appeal in the manner provided in such agreements.

10.102 Personnel Department

The personnel department shall provide a means to recruit, select, appoint, train and maintain an effective and responsive workforce through procedures for employee hiring and advancement, training and career development, job classification, salary administration, discipline, discharge and other related activities.

The personnel department shall establish a system of job classification. The department shall create new classifications and shall as necessary reclassify existing positions, after required notice to employee organizations and departments affected.

Any classification or reclassification shall be appealable to the civil service commission by affected parties including employees, recognized employee organizations and departments of the City and County.

10.103 Personnel Director

A personnel director shall be appointed and may be removed by the mayor. The personnel director shall be responsible for the administration of the personnel department.

The personnel director shall establish regulations with respect to administrative matters within the jurisdiction of the personnel department. No regulations shall be adopted, amended or repealed without a prior public hearing for which at least two weeks notice shall have been given.

The personnel director shall submit to the civil service commission rules with respect to recruitment, selection and appointment of employees. After a public hearing, the civil service commission shall approve or reject such rules.

The personnel director shall conduct appropriate examinations for employment on an entrance, promotive or combination entrance and promotive basis, and shall establish lists of eligibles based on their results.

10.104 Exclusions From Civil Service Appointment

All employees of the City and County shall be either "classified" or "unclassified." Unclassified employees shall be exempt from civil service procedures. Unclassified employees shall include:

1. All supervisory and policy-level positions within the office of the mayor;
2. All elected officers of the City and County and their chief deputies or chief assistants;
3. All members of commissions, boards and committees;
4. Not more than one commission secretary for each commission or board;
5. All heads of agencies and departments;
6. All non-uniformed assistant heads of departments;
7. All uniformed deputy heads of departments, police commanders, police inspectors and fire chief's operators;
8. Not more than one confidential secretary in each department and agency;

9. Administrative assistants, the clerk and legislative auditor to the board of supervisors;

10. All nonclerical employees of the superior and municipal courts;

11. All attorneys, physicians and dentists serving in their professional capacity and hospital chief administrators; and

12. The law librarian, assistant law librarians, bookbinder of the law library, purchaser, actuary of the employees' retirement board, tax administrator, director of the zoo and director of the aboretum and botanical garden.

The proportion of full-time employees in the above unclassified categories to the total number of civil service employees of the City and County shall not be greater than such proportion as existed on July 1, 1980.

In addition, unclassified employees shall include:

1. All certificated teachers and certified administrators of the unified school district and the community college district;

2. All paraprofessional aides of the unified school district and teaching instructional aides of the community college district;

3. Construction workers working outside of City and County;

4. Part-time, temporary and seasonal appointments not to exceed the equivalent of half-time during any fiscal year;

5. Appointments as substitutes for civil service employees on leave, or for special projects funded from other than City and County funds, as provided by ordinance; and

6. Provisional appointments for classified positions, which shall not exceed six months and shall not be renewable, for positions for which no eligible list exists.

Temporary, provisional and part-time employees may receive the same terms and conditions of employment as permanent employees, except for retirement benefits.

10.105 Discipline

Employees in classified positions shall have the right to due process in all disciplinary matters. For disciplinary matters in which a suspension of less than five days is imposed, an employee shall be granted a hearing and the right to appear before the appointing officer or designee in a manner to be prescribed by ordinance. For disciplinary matters involving suspension of more than five days, demotion or dismissal, an employee shall have the right, after exhausting the process above, to a hearing before the civil service commission, a hearing officer, or to binding arbitration.

No person employed under the civil service provisions of this Charter, exclusive of members of the police and fire departments as provided below, in a position defined by the civil service commission as "permanent" shall be removed or discharged except for cause, upon written charges, and after an opportunity to be heard in his own defense. Pending such hearing, the appointing officer may suspend the person so accused if the accusation against the accused person involves misappropriation of public funds or property, misuse or destruction of public property, drug addiction or habitual intemperance, mistreatment of persons, acts which would constitute a felony or misdemeanor involving moral turpitude, or acts which present an immediate danger to the public health and safety; but such suspension shall not be valid for more than 30 days, unless hearing upon the charges shall be delayed beyond such time by the act of the accused person. When charges are made, the appointing officer shall, in writing, notify the person accused of the time and place when the charges will be heard, by mailing such statement to his last known address. The hearing shall be conducted forthwith by a qualified and unbiased hearing officer employed under contract by the City and County and selected by procedures set forth in the rules of the civil service commission. The hearing officer shall publicly hear and determine the charges, and may exonerate, suspend or dismiss the accused. If the employee is exonerated the hearing officer may, at his discretion, remit the suspension and may order payment of salary to the employee for the time under suspension, and the report of such suspension shall thereupon be expunged from the record of service of such employee. The civil service commission shall immediately be notified of the charges when made, of the hearing, and of the finding thereon. The finding of the hearing officer shall be final, unless within 30 days therefrom the dismissed employee appeals to the civil service

commission. The appeal shall be in writing and shall briefly state the grounds therefor. The civil service commission shall examine the case and may require the hearing officer to furnish a record of the hearing and may require any additional evidence it deems material under conditions established by rule of the civil service commission, and may, thereupon, make such decision as it deems just. The order or decision of the commission upon such appeal shall be final and shall forthwith be enforced by the appointing officer. If the civil service commission shall reverse or alter the finding of the hearing officer it may, in its discretion, order that the employee affected be paid salary from the time of his discharge or suspension.

The civil service commission may hear and determine any charge filed by a citizen or by the authorized agents of the commission when the appointing officer neglects or refuses to act. Removal or discharge may be made for any of the following causes: incompetence, habitual intemperance, insubordination, discourteous treatment of the public, dishonesty, inattention to duties or engaging in prohibited political activities.

Nothing in this Section shall limit or restrict rules adopted by the commission governing lay-offs or reduction in force.

Uniformed members of the fire or the police department guilty of any offense or violation of the rules and regulations of their respective departments shall be liable to be punished by reprimand, or by fine not exceeding one month's salary for any offense, or by suspension for not to exceed three months, or by dismissal, after trial and hearing by the commissioners of their respective departments; provided, however, that the chief of each respective department for disciplinary purposes may suspend a member for a period not to exceed 10 days for violation of the rules and regulations of his department. Any member so suspended shall have the right to appeal such suspension to the fire commission or to the police commission, as the case may be, and have a trial and hearing on such suspension. Written notice of appeal must be filed within 10 days after such suspension and the hearing of said appeal must be held within 30 days after the filing of said notice of appeal. If the commission shall reverse or alter the finding of the chief, it shall in the case of a reversal and in other cases it may in its discretion, order that the member affected be paid salary for the time of his suspension. In the event the chief should exercise such power of suspension, the

member involved shall not be subject to any further disciplinary action for the same offense. Subject to the foregoing, members of either department shall not be subject to dismissal, nor to punishment for any breach of duty or misconduct, except for cause, nor until after a fair and impartial trial before the commissioners of their respective departments, upon a verified complaint filed with such commission setting forth specifically the acts complained of, and after such reasonable notice to them as to time and place of hearings as such commission may, by rule, prescribe. The accused shall be entitled, upon hearing, to appear personally and by counsel; to have a public trial; and to secure and enforce, free of expense, the attendance of all witnesses necessary for his defense.

Notwithstanding the above Sections, procedures governing disciplinary matters may be established through labor-management agreement.

ARTICLE XI

EMPLOYER-EMPLOYEE RELATIONS SYSTEM

11.100 General

The purpose of this Article shall be to establish a mechanism to facilitate negotiations between the City and County and recognized employee organizations with respect to wages, hours and other terms and conditions of employment.

Employee Relations Office

An employee relations office shall be established within the office of the mayor, and shall be responsible for:

1. Evaluation of the likely costs of various labor and management proposals under negotiation; and

2. The annual salary surveys required by Appendix A of this Charter.

The mayor shall appoint a director of employee relations, subject to confirmation of the board of supervisors.

In addition, a chief labor negotiator for the City and County shall be jointly designated by the mayor and a majority of the members of the board of supervisors in a manner provided by ordinance. The chief labor negotiator may be the director of employee relations, any other officer of the City and County or any other person.

The chief labor negotiator shall:

1. Negotiate on behalf of the City and County with recognized employee organizations; and

2. Serve as the City and County representative for negotiation and administration of memoranda of understanding;

Employer-Employee Negotiations

Wages, hours and other terms and conditions of employment for employees of the City and County shall be established by either:

1. The City and County acting through the chief labor negotiator shall meet and confer in good faith with recognized employee organizations and shall attempt to reach agreement on all matters within the scope of negotiation. Such agreement shall supersede any other terms and conditions of employment for covered employees established by Appendix A of this Charter, ordinances, rules or regulations which are inconsistent with such agreements. Agreements may provide a procedure for final and binding arbitration of grievances which may arise between representatives of the City and County and an employee or recognized employee organization arising under an agreement, or of an impasse in negotiating subsequent agreements. On the expiration of an agreement, terms and conditions of employment contained in the agreement shall terminate, and no employee benefit contained therein shall continue after the expiration date of the agreement, except as may be specifically provided in the agreement. Every agreement shall include specific language recognizing this limitation of terms and conditions of employment; or

2. In the absence of a negotiated agreement with respect to any group of employees, wages, hours and other terms and conditions of employment shall be as provided in Appendix A of this Charter. Terms and conditions of employment not specified in Appendix A shall be determined by the employee relations office after survey in the six bay area counties of benchmark classes of public and private employees who are providing like work and like services, except as otherwise required by law.

[Appendix A will contain those provisions of the Charter of 1932 included in Sections 8.324, 8.329, 8.402-8.411 and 8.440-8.588-14.]

11.101 Memoranda of Understanding

Memoranda of Understanding which incorporate labor-management agreements shall be adopted by resolutions of the board of supervisors.

11.102 Strike Prohibition

The people of the City and County find that the instigation of or participation in, strikes against the City and County by any officer or employee of the City and County constitutes a serious threat to the lives, property and welfare of its citizens and hereby declare as follows:

1. No person holding a position by appointment or employment under the civil service provisions of this Charter shall strike, or cause, instigate or afford leadership to a strike, or honor a strike against the City and County by willfully abstaining from the full, faithful and proper performance of the duties of employment; and

2. The board of supervisors shall enforce this Section 11.102 through appropriate ordinances.

ARTICLE XII

EMPLOYEE RETIREMENT AND HEALTH SERVICE SYSTEMS

Employee Retirement System

12.100 Retirement Board

There shall be a retirement board of the City and County which shall consist of eight members as follows: the president of the board of supervisors, three public members to be appointed by the mayor, one retired City and County employee to be appointed by the mayor, and three members elected from the active membership of the retirement system. The public members appointed by the mayor shall hold either a degree of doctor of medicine or shall be experienced in life insurance, actuarial science, employee pension planning or investment portfolio management, and shall be appointed by the mayor from among three persons whose names shall have been submitted for each such appointment by a committee consisting of two members each of the San Francisco Medical Society, Bar Association of San Francisco, San Francisco Real Estate Board and the Greater San Francisco Chamber of Commerce; provided, however, that there shall not be, at any one time, more than one appointed member who holds a degree of doctor of medicine. The term of the six members, other than the president of the board of supervisors, shall be five years. Subject to the civil service provisions of this Charter, the retirement board shall appoint an executive director.

The retirement board shall be the sole authority and judge, consistent with this Charter and ordinances, as to the conditions under which members of the retirement system may receive and may continue to receive benefits under the retirement system, and shall have exclusive control of the administration and investment of such funds as may be established, provided that all investments shall be of the character legal for insurance companies within the State of California.

12.101 Executive Director and Actuary

The executive director shall administer the retirement system in accordance with the provisions of this Charter. The retirement board shall appoint and may remove an actuary, who shall hold office at its pleasure, and shall employ a consulting actuary. The executive director and actuary, or their designees, shall have the power to admin-

ister oaths and affirmations in all matters pertaining to the business of the retirement system.

12.102 Trust Fund

The retirement fund shall be a trust fund to be administered by the retirement board in accordance with the provisions of this Charter solely for the benefit of the active members and retired members of the retirement system and their survivors and beneficiaries.

Health Service System

12.103 Health Service Board

There shall be a health service board of the City and County which shall consist of seven members as follows: the chairman of the finance committee of the board of supervisors, the city attorney, or designated assistant city attorney, two members appointed by the mayor, one of whom shall be a resident official of an insurance company and the other a doctor of medicine, and three members elected by the members of the system from among their number. The terms of members, other than the two ex officio members, shall be five years, one term expiring on May 15 of each year.

A vacancy on the health service board appointive by the mayor shall be filled by the mayor. A vacancy in an elective office on the health service board shall be filled by a special election within 90 days after the vacancy occurs unless a regular election is to be held and within six months after such vacancy shall have occurred.

The health service board shall:

1. Establish and maintain detailed historical costs for medical and hospital care and conduct an annual review of such costs;
2. Apply benefits without special favor or privilege;
3. Put such plans into effect and through its staff, conduct and administer the same and, contract therefor and use the funds of the system; and
4. Make rules and regulations for the transaction of its business, the granting of exemptions and the admission to the system of members.

12.104 Medical Director or Executive Director

The health service board shall appoint and may remove a full-time medical director who shall be a doctor of medicine with experience in administering health plans or in comparable work, or an executive officer with experience in administering health plans or in comparable work and a part-time medical adviser who shall be a doctor of medicine with such experience. The health service board and each committee of the board shall confine its activities to policy matters and to matters coming before it as an appeal board.

12.105 Membership in Health Service System

The members of the system shall consist of all employees of the City and County, which shall include officers of the City and County, of the unified school district, and of the parking authority of the City and County who have completed a period of employment of 60 days.

ARTICLE XIII

ELECTIONS

13.100 City and County Elections

There shall be a general municipal election to fill the elective offices of the City and County, other than those filled at the time of a statewide election.

With respect to each elective office of the City and County, if no candidate for the office receives a majority of the votes cast at an election for such office, the two candidates receiving the most votes thereby qualify to have their names placed on the ballot for a runoff municipal election.

The board of supervisors shall maintain a fund sufficient to pay all costs and expenses of the City and County with respect to a special municipal election, and such fund shall be used solely to pay the costs of such an election. Upon payment of any such costs or expenses, an appropriation shall be made in the next succeeding appropriations ordinance sufficient to reimburse the fund.

All laws of the State of California with respect to elections shall apply to elections in the City and County, except as otherwise provided by this Charter or ordinance and consistent with state law.

13.101 Terms of Elective Office

Except in the case of an appointment or an election to fill a vacancy, the term of office of each elected official shall commence at 12:00 noon on the second Monday in January following the date of election.

No person shall be eligible for a period of one year after the last day of service as mayor or member of the board of supervisors for appointment to any full-time position carrying compensation with the City and County.

13.102 Registrar of Voters

The registrar shall register voters, conduct elections, establish precincts, certify petitions, appoint election officers and be responsible for all other matters pertaining to elections in the City and County.

13.103 Nomination

Not less than 60 days prior to a general or special municipal or statewide election each person wishing to be a candidate for an elective office shall file with the registrar of voters:

1. A declaration of candidacy in such form as shall be prescribed by the registrar of voters;

2. A filing fee of two percent of the current annual salary for the office sought or the signatures of such number of electors as is required by law; and

3. Signatures of not less than 20 nor more than 30 electors, who, in the case of elections by district, shall reside in the respective districts.

Upon fulfillment of these requirements, the registrar of voters shall certify the candidate as nominated and place the name on the ballot. A candidate may withdraw such candidacy at any time up to 50 days prior to the election by filing with the registrar a statement of withdrawal signed by such candidate.

The registrar of voters shall preserve for a period of four years, in a manner accessible to the public, all declarations, signatures, and lists of sponsors filed pursuant to this Section 13.103.

13.104 Qualification

Each candidate for an elective office of the City and County shall be an elector, and each elected officer shall continue to be an elector during the term of the office. In the case of elections by district the candidate or officer shall also reside in the particular district.

13.105 Precincts

The registrar of voters shall appoint election officers for each precinct for each general, runoff and special municipal election.

The registrar of voters may withhold the pay of any election officer who neglects, disregards or violates election laws.

13.106 Election Material Mailed to Voters

A voter's pamphlet including a sample ballot, candidates' statements and lists of sponsors' arguments for and against each ballot measure, any financial impact statements prepared by the controller and arguments for and against the recall of any officers shall be mailed to each elector so as to be received at least ten days prior to each general, runoff or special municipal election.

13.107 Electors; Eligibility

The registrar of voters shall qualify electors as voters as prescribed by law.

13.108 Determination of Election Results

The canvas of voters, canvas of returns, declaration of elections and certification of elections shall be made as prescribed by law. If a person elected fails to qualify, the office shall be filled in the manner prescribed by this Charter for the filling of a vacancy in such office.

13.109 Reporting of Campaign Financing

The board of supervisors shall by ordinance prescribe requirements for campaign contributions and expenditures and any limitations thereon with respect to candidates for elective office and ballot measures in the City and County.

ARTICLE XIV

INITIATIVE, REFERENDUM AND RECALL

14.100 General

Except as otherwise provided in this Article, the voters of the City and County shall have the power to enact initiatives and the power to nullify ordinances by referendum.

An elected official of the City and County may be recalled by the voters as provided by this Charter and by the laws of the State of California, except that no recall petition shall be filed with respect to any officer who has held office for less than six months.

Declarations of policy may be proposed as provided in Section 2.115 of this Charter.

14.101 Initiatives

By petition, the voters may propose an initiative. Such petition, when signed by voters in a number equal to at least five percent of the votes cast for mayor in the last preceding general municipal election at which a mayor was elected, shall be submitted by the registrar of voters to a vote of the electorate. Such vote shall occur at the next statewide election or general municipal election that shall occur at any time after 30 days from the date of the certificate of sufficiency attached to the petition accompanying such measure unless the board of supervisors, by ordinance, directs that the measure be voted upon at a special municipal election. If the petition accompanying a proposed initiative is signed by voters in a number equal to at least ten percent of the votes cast for mayor in the last preceding general municipal election at which a mayor was elected, and contains a request that the initiative be submitted forthwith to voters at a special municipal election, the registrar of voters shall promptly call such an election. Such special municipal election shall be held not less than 60 nor more than 75 days from the date of calling the same, at which election the initiative shall be submitted to voters, unless it is within 60 days of a general or primary election, in which event it shall be submitted at such general or primary election.

Except for any amendment to this Charter, the mayor or one third of the board of supervisors may propose an initiative to be submitted to the voters at the next general municipal election or statewide election. A majority of the board of supervisors may call a special election with respect to an initiative, unless it is within 60 days of a general municipal election or statewide election, or may propose any amendment to this Charter.

No initiative or declaration of policy approved by the voters shall be subject to veto, or to amendment or repeal except by the voters, unless such initiative or declaration of policy shall otherwise provide.

14.102 Referendum

Referendum petitions shall be signed by a number of voters equal to at least ten percent, or, in the case of any ordinance granting any public utility franchise, at least five percent, of the total number of votes cast for mayor in the last preceding mayoral election.

A referendum proposed by a majority of the board of supervisors shall be voted on at a general or special municipal election within 30 days of the date the board of supervisors votes to place the measure on the ballot.

14.103 Recall

A recall petition other than with respect to a member of the board of supervisors, shall include the signatures of voters in a number equal to at least ten percent of the votes cast for mayor at the last preceding mayoral election. A recall petition with respect to a member of the board of supervisors shall include the signatures of voters residing within the supervisorial district which such member represents in a number equal to at least ten percent of the votes cast for mayor in such supervisorial district. A recall petition shall state the grounds on which the recall is based.

Upon certification of sufficiency of the recall petition by the registrar, the registrar shall forthwith call a special municipal election, to be held at a date not less than 60 nor more than 75 days from the date of its calling at which said recall shall be submitted to voters, unless within 60 days of a general or primary election, in which event it shall be submitted at such general or primary election.

14.104 Petitions - Withdrawal of Signatures

A person signing a petition for initiative, referendum or recall may withdraw his or her name from such petition by filing with the registrar of voters a verified revocation of that signature prior to the filing of such petition itself.

14.105 Elections Code

The board of supervisors shall adopt an elections code, with such terms and provisions as are not inconsistent with this Charter.

ARTICLE XV

MISCELLANEOUS PROVISIONS

15.100 Cable Cars

In the conduct of the municipal railway there shall be maintained and operated cable car lines as follows:

1. A line commencing at Powell and Market Streets; thence along Powell Street to Jackson Street; thence along Jackson Street to Mason Street; thence along Mason Street to Columbus Avenue; thence along Columbus Avenue to Taylor Street; thence along Taylor Street to a terminal at Bay Street; returning from Bay and Taylor Streets along Taylor Street to Columbus Avenue; thence along Columbus Avenue to Mason Street; thence along Mason Street to Washington Street; thence along Washington Street to Powell Street; and thence along Powell Street to Market Street, the point of commencement.

2. A line commencing at Powell and Market Streets; thence along Powell Street to Jackson Street; thence along Jackson Street to Hyde Street; thence along Hyde Street to a terminal at Beach, returning from Beach and Hyde Streets along Hyde Street to Washington Street; thence along Washington Street to Powell Street; thence along Powell Street to Market Street, the point of commencement.

3. A line commencing at Market and California; thence along California Street to a terminal at Van Ness Avenue; returning from Van Ness Avenue along California Street to Market Street, the point of commencement.

To fully effectuate the intent of this Section 15.100, the public utilities commission shall maintain and operate said lines at the normal levels of scheduling and service in effect on July 1, 1971; provided, however, that nothing herein contained shall prevent the commission from increasing at any time the said levels of scheduling and service.

15.101 Acquisition of Public Utilities

It is the declared purpose and intention of the people of the City and County, when public interest and necessity demand, that public utilities shall be gradually acquired and ultimately owned by the City and County. When-

ever the board of supervisors shall determine that the public interest or necessity demands the acquisition, construction or completion of any public utility or utilities by the City and County, or whenever the electors shall petition the board of supervisors, as provided in Article XIV of this Charter, for the acquisition of any public utility or utilities, the supervisors must procure a report from the public utilities commission thereon.

15.102 Appropriations for Maintenance of Certain Cultural Facilities

The board of supervisors shall annually appropriate to the war memorial board, an amount sufficient to defray the cost of maintaining, operating and caring for the war memorial.

The board of supervisors, subject to the budget provisions of this Charter, shall, for the purpose of maintaining, operating, providing for the security of, expanding and superintending the Fine Arts Museums and the purchase of objects of art, literary productions and other personal property, provide, in each annual budget of the City and County, an amount sufficient for the maintenance, operations, and superintendence thereof, and such additional amount as is necessary to take care of the increased demand for help, buildings, repairs and care of the museums. Such amounts shall be credited to and deposited in a fund in the treasury of the City and County to be known as the "Golden Gate Museums Fund," or such other title as may be chosen by not less than two thirds of the then authorized trustees of the museums, and shall be used exclusively for the purposes thereof.

Funds necessary for the maintenance, operation and continuance of the Steinhart Aquarium shall be furnished by the City and County to the California Academy of Sciences. The board of supervisors shall have the power to furnish to the California Academy of Sciences such funds as the board shall deem proper for the maintenance, operation and continuance of any or all other of said buildings and improvements heretofore or hereafter erected.

15.103 Open Space Acquisitions and Park Renovation Fund

There shall be an open space acquisition and park renovation fund, to be administered by the recreation and park commission. Monies therein shall be appropriated,

transferred, expended or used as provided for herein for those recreation and open space purposes determined by the planning commission to be consistent with the recreation and open space element of the general plan of the City and County and in accordance with the "Recreation and Open Space Programs" to implement the recreation and open space element approved by the planning commission on July 19, 1973, as from time to time modified by a majority vote of each of the planning commission and recreation and park commission meeting jointly, and with the concurrence of the board of supervisors. The recreation and open space element of the comprehensive plan and the "Recreation and Open Space Programs," as from time to time modified, shall continue to identify neighborhoods which are in special need of recreation and open space facilities, and shall designate such neighborhoods as "high-need neighborhoods." Monies in the open space acquisition and park renovation fund shall be used to acquire by purchase, lease, exchange, eminent domain or otherwise, real property, interests therein, and improvement and development rights thereon and to develop and maintain land so acquired. Lands currently under the jurisdiction of the San Francisco Port Commission may be acquired by lease or otherwise and may be leased and administered with the funds provided for herein for purposes consistent with this Section. The recreation and park commission and the San Francisco Port Commission are hereby authorized to enter into contracts appropriate to carry out the purposes of this Section.

There shall continue to be imposed, for a period of 15 years starting with the fiscal year 1975-1976, an annual tax of \$0.10 for each \$100 assessed valuation to be utilized for the purposes provided for in this Section. Revenues obtained thereby shall be in addition to, and not in place of, any sums normally budgeted for the recreation and park commission, and, together with interest earned thereon, shall be deposited into the open space acquisition and park renovation fund. In addition, all grants, gifts, and bequests paid to the City and County for open space acquisition and park renovation, and interest earned thereon, unless otherwise restricted, shall be deposited into the fund. Establishment of this fund is not intended to preclude any other similar programs or any similar use of funds by the City and County. All amounts paid into said fund shall be maintained by the treasurer, separate and apart from all other City and County funds, and shall be secured by his or her official bond.

Monies in the fund shall be used for: (i) the acquisition and development of lands within or contiguous to "high-need neighborhoods," or lands on the northern waterfront and bay shoreline for recreation purposes; (ii) the acquisition and development of properties within the City and County for open space purposes; and (iii) the renovation of existing parks and recreation facilities within the City and County.

Each year, monies in the fund shall be used to match, on a dollar-for-dollar basis, private funds, grants, or donations given to the City and County for the purpose of renovating existing parks and recreational facilities up to an amount equal to 15 percent of the amount of the monies provided for the fund in that year. Each year, monies in the fund shall be used without a matching requirement for the purpose of renovating existing parks and recreational facilities up to an amount equal to ten percent of the amount of the monies provided for the fund in that year. Monies unspent in either category of this subsection after the end of one fiscal year shall be carried forward to the next fiscal year and shall be used only for the same purposes as they were originally set aside.

The remaining monies shall be used as hereafter indicated in the following two paragraphs.

In each of the first five years of the fund's existence, a minimum of 50 percent of the remainder of the monies in the fund shall be used to acquire real property, and at least 25 percent of the remainder of the monies in the fund shall be used for acquisition of properties within or contiguous to "high-need neighborhoods"; the balance of the remainder of the monies in the fund shall be used for administrative expenses and the maintenance and development of properties acquired through the fund.

At any time after the end of five years, the proportion of funds to be used for acquisition as herein set forth, may be modified by the board of supervisors. At any time after the end of ten years, if the then-current "Recreation and Open Space Programs" no longer shows any lands appropriate for open space and recreation purposes, then the limitation that funds may only be used for the maintenance and development of properties acquired from the fund may be modified in whole or in part by the board of supervisors to provide that funds may be used to expand the maintenance and development of other properties held by the recreation and park department in "high-need neighborhoods" identified in the then current "Recreation and Open Space Programs."

The recreation and park commission and the planning commission shall hold at least one joint public meeting annually and shall at such time receive and review a report from the general manager of the recreation and park department on the implementation of the "Recreation and Open Space Programs," on expenditures made from the open space acquisition and park renovation fund, and on properties developed in the preceding year for recreation uses. The general manager of the recreation and park department shall also make general recommendations of further lands for acquisition, improvement, or development for approval by a majority of each of the recreation and park commission and the city planning commission meeting jointly, and with the concurrence of the board of supervisors.

15.104 Law Library

The San Francisco Law Library, established under an act of the Legislature approved March 9, 1870, shall be under the management and control of the board of trustees, which shall consist of seven appointive members of the San Francisco bar, and the mayor, the presiding judge and the three judges of the appellate department of the superior court, ex officio. All vacancies on said board shall be filled by said board.

The board of trustees shall appoint and at its pleasure may remove a librarian, who shall be its executive officer, and such assistants as are necessary for the proper conduct and operation of the library. The salaries of the librarian and the assistants and employees shall be fixed by the board of supervisors as provided by this Charter for other City and County employees.

The supervisors shall provide suitable and sufficient quarters for the law library, fix up and furnish the same and provide for the supply of necessary light, heat, stationery and other conveniences. The library shall be so located as to be readily accessible to the judges and the officers of the court.

The county clerk and the clerk of the municipal court shall collect the fees provided for law libraries by general law and the fees so collected by such officers or by any officers under any other provisions of the law shall be paid to the treasurer of the law library monthly, and shall constitute a law library fund to be expended by the law library trustees in the purchase of books and periodicals, and in the establishment and maintenance of the law library.

The judiciary, city, county and state officials, members of the bar and all inhabitants of the City and County shall have free access, use and enjoyment of the law library, subject to rules and regulations of the board of trustees.

15.105 Citizen Participation; Publication of and Access to Public Documents

The publication of and full public access to public documents, except for those subject to confidentiality, shall be as required by law.

15.106 Franchises

Franchises shall be granted by a competitive procurement process for not more than 25 years.

15.107 Financial Disclosure

All public officers, as defined by the laws of the State of California and including all the commissioners of the City and County, shall disclose financial information in accordance with such state law. The county clerk shall maintain all such records and be responsible for the enforcement of this Section.

15.108 Recreation and Parks; Buildings and Lands

The responsibilities of the City and County with respect to recreation and parks shall be limited as follows:

1. No building or structure, except for nurseries, equipment storage facilities and comfort stations, shall be erected, enlarged or expanded in Golden Gate Park unless such action has been approved by a vote of two thirds of the members of board of supervisors; and

2. No park land may be sold unless approved by a vote of the electors.

15.109 Conflict of Interest

[Under Study by the Commission]

15.110 Severability

If any provision of this Charter, or the application thereof to any person or circumstance is held invalid,

the remainder of this Charter, and the application of such provision to other persons or circumstances, shall not be affected thereby.

15.111 Taxpayers' Suits

In the event that a taxpayer of the City and County institutes suit or other proceeding as provided by law against any officer, board or commission of the City and County in the name of said taxpayer on behalf of the City and County, if judgment be finally entered in such taxpayer's favor such taxpayer shall be allowed costs and also such reasonable compensation for attorney's fees as may be fixed by the court.

ARTICLE XVI

DEFINITIONS

For all purposes of this Charter, the following terms shall have the meanings specified below:

"Business day" shall mean any day other than a Saturday, Sunday or holiday on which governmental agencies of the State of California are authorized by law to close.

"Confirm" shall mean the approval by a majority vote of the members of the board of supervisors.

"Elector" shall mean a person qualified as an elector under the laws of the State of California and residing in the City and County.

"General municipal election" shall mean the election to be held in the City and County on the Tuesday immediately following the first Monday in November in odd-numbered years.

"Initiative" shall mean a petition of the voters with respect to any ordinance, act or other measure which is within the powers conferred upon the board of supervisors to enact or any legislative act which is within the power conferred upon any other board, commission or officer to adopt, or any amendment to this Charter or any declaration of policy.

"Majority" of the members of the board of supervisors or any other board or commission of the City and County shall mean a majority of all members of such board or commission.

"Notice" shall mean a public notice in the form and manner as shall be prescribed by ordinance, and shall include a filing with the clerk of the board of supervisors contemporaneously with such public notice.

"Published" shall mean published in a newspaper of general circulation in the City and County.

"Referendum" shall mean the power to nullify ordinances involving legislative matters; provided, however, that the referendum power shall not extend to any portion of the annual budget or supplemental appropriations, to ordi-

nances authorizing the city attorney to compromise litigation or ordinances necessary to enable the mayor to carry out the mayor's emergency powers.

"Runoff municipal election" shall mean the election to be held in the City and County on the second Tuesday in December following a general municipal election.

"Special municipal election" shall mean, in addition to special elections otherwise required by law, the election called by (1) the registrar of voters with respect to (a) an initiative, referendum or recall, (b) a vacancy in the office of mayor or the board of supervisors and (2) the board of supervisors with respect to (a) bond issues, or (b) election of an officer not required to be elected at the general municipal election.

"Statewide election" shall mean an election held throughout the state.

"Voter" shall mean an elector who is registered in accordance with the provisions of the laws of the State of California.

ARTICLE XVII

TRANSITION PROVISIONS

17.100 Effective Date of Article

This Article XVII shall take effect upon the filing of this Charter with the Secretary of State of the State of California. This Article shall remain in effect until the last act required to be done in this Article has been completed.

17.101 Effective Date of this Charter; Effect on Charter of 1932; Initiative Ordinances

This Charter shall be effective, and shall supersede the Charter of 1932, as recodified in 1971, and as amended (hereinafter referred to in this Article XVII as the "Charter of 1932"), upon filing of this Charter with the Secretary of State of the State of California.

The following Sections of the Charter of 1932 shall be deemed enacted into ordinance on the effective date of this Charter; provided, however, that each such Section deemed so enacted shall terminate three years from the effective date of this Charter unless such Sections are further reenacted into ordinance:

2.100	3.539	3.640-3.643
2.203	3.540	3.691-3.694
2.203-3	3.541	6.207
3.201	3.542	6.301-6.304
3.301	3.543	6.306-6.310
3.302	3.544	6.312
3.303	3.545	6.313
3.402	3.546	6.400-6.403
3.501	3.551	6.406-6.408
3.523	3.552	7.100-7.104
3.529	3.560	7.200-7.206
3.531	3.570	7.302-7.308
3.533	3.571	7.400-7.405
3.534	3.572	7.600-7.606
3.535	3.573	7.701-7.703
3.536	3.590-3.599	9.113-9.115
3.537	3.601	
3.538	3.621-3.624	

Initiative ordinances shall not be published as part of this Charter, in an appendix or otherwise, but shall

be published as provided in this Charter for other ordinances, and shall be included in any codification of ordinances as provided in this Charter.

17.102 Effect of Enactment on Existing Law

To the extent the provisions of this Charter, or provisions of the Charter of 1932, in effect immediately before the effective date of this Charter, or the provisions of the Charter of 1932 transferred by enactment of this Charter to ordinance, are the same in terms or in effect as provisions of law enforced when this Charter takes effect, they shall be construed and applied as a continuation of those provisions.

All provisions of law relating to or affecting the City and County in force when this Charter takes effect are hereby repealed and superseded only to the extent they are inconsistent with the provisions of this Charter.

17.103 Obligations of Contract Not Impaired

All rights, claims, actions, orders, obligations, proceedings and contracts existing on the effective date of this Charter shall not be affected by the adoption of this Charter, except that where functions, powers and duties have been reassigned, the office, agency or department to which the assignment is made shall have charge of the matter.

17.104 Transfer of Functions, Powers and Duties

On the effective date of this Charter, all offices, agencies and departments of the City and County then in existence under the Charter of 1932 shall continue to perform their functions, exercise their authority and fulfill their responsibilities, as they existed immediately before this Charter's taking effect, subject to the provisions of this Article. Not later than 90 days after the effective date of this Charter, each such office, agency and department for which this Charter does not provide shall cease to exist, and its functions, powers and duties shall be transferred to the appropriate governmental unit created by this Charter or under the authority of this Charter. The board of supervisors and the mayor shall take all action necessary to provide for the orderly transfer of functions, authority and responsibility on or before the date of such transfer.

All property, records and equipment related to the exercise of those functions, powers and duties which are reassigned by the terms or under the authority of this Charter shall be transferred to the office, agency or department to which the assignment is made.

17.105 Changes in Offices and Positions

Within 90 days after the effective date of this Charter, the mayor shall appoint the director of administration, the director of management and budget and the controller. The board of supervisors shall act on the mayor's appointment of the controller within 15 days after the mayor's submission of that appointment to the board of supervisors for confirmation.

The office of chief administrative officer shall be abolished on the effective date of this Charter. The incumbent in the office on the effective date, shall be entitled to retire on that date as if he had reached the age of compulsory retirement.

All functions, activities and affairs of the City and County placed under the direction of the chief administrative officer by the Charter of 1932 shall be the responsibility of the director of administration, except for those expressly assigned to other officers by this Charter.

17.106 Changes in the Term and Nature of Boards and Commissions

Those members of boards and commissions incumbent on the effective date of this Charter shall continue to hold office until the expiration of their respective terms, as prescribed by this Charter. In furtherance of this Section, in cases where boards and commissions are appointed for staggered terms and divided into groups, the mayor shall designate which incumbent members shall belong to Group I, II, III and IV, respectively.

Within 90 days after the effective date of this Charter, the mayor shall appoint sufficient members to boards and commissions to fill all vacancies which then exist because the number of members has been increased by this Charter. Newly appointed members shall meet the qualifications required by this Charter. The mayor shall make such appointments for terms of such lengths that the provisions for length of terms contained in this Charter shall be fulfilled at the earliest practicable time.

The initial members of the fine arts museum commission shall be those trustees of the fine arts museums incumbent on the effective date of this Charter, except for the mayor and the president of the recreation and parks commission, whose terms shall end on that date. The remaining members shall nominate six persons to the mayor whose successors, after their terms expire, shall be appointed by the mayor as provided in this Charter.

17.107 Official Fidelity Bonds

The board of supervisors shall determine the initial fidelity bond requirements under this Charter within 90 days after the effective date of this Charter. Until the board of supervisors determines such requirements for officials of the City and County, the bonds existing on the effective date of this Charter shall be maintained.

17.108 Transportation and Municipal Utilities

The mayor and the board of supervisors shall authorize a study of the public utilities commission and the department of public works. This study shall state whether the transportation and utility functions performed under that commission's jurisdiction and by that department would be performed to the greater benefit of the citizens of the City and County by reassigning those functions to departments known as the department of transportation and the department of municipal utilities. Should the study so recommend, the mayor and the board of supervisors may create such departments and reassign such functions to those departments. A commission of five members, subject in all respects to the provisions for commissions of this Charter, shall be created for each department. Until such departments are created and such functions reassigned, the department of public works shall remain under the direction and control of the administrative officer.

17.109 Rules, Regulations and Administrative Code

Each officer, department, agency, board and commission responsible for rules and regulations of the City and County under this Charter shall, within 90 days of the effective date of this Charter, review all rules and regulations for which it is responsible and amend and adopt rules and regulations consistent with this Charter. An administrative code shall be enacted and printed to contain such rules and regulations within six months after the effective date of this Charter.

17.110 Protection of Incumbents

The changes in and transfers of functions, powers and duties which occur at the time this Charter takes effect shall not affect or impair the rights or privileges of officers or employees of the City and County relating to appointment, rank, grade, compensation, tenure of office, promotion, discipline, removal, pensions and retirement, except as provided in this Charter and in no event shall such civil service rights to compensation and continued civil service status be impaired or reduced.

Whenever a position previously within the classified municipal civil service is, pursuant to this Charter, designated exempt from the civil service provisions of this Charter, the individual incumbent in such position at the time this Charter takes effect shall be transferred to that position, but his or her civil service rights to compensation and continued civil service status shall not be impaired or reduced.

If by the terms of this Charter, or action taken by authority of this Charter:

1. All or substantially all of the duties of any position exempt from the civil service provisions of the Charter of 1932 are transferred to another office, agency, or department, that position shall be transferred to that office, agency or department and the person holding the position on the effective date of this Charter shall continue to hold the position and perform the duties in that other office, agency, or department subject to the provisions of this Charter;

2. The transfer of functions, powers or duties to offices, agencies and departments results in the modification or discontinuance of the duties of any position exempt from the civil service provisions of the Charter of 1932, the person holding that position on the effective date of this Charter shall be appointed to that position the duties of which, in the judgment of the mayor, are most nearly comparable to the duties previously being performed, and shall hold that position and perform the functions and duties of the position subject to the provisions of this Charter;

3. All or substantially all of the duties of any civil service position are transferred to another office, agency or department, that position shall be transferred to that office, agency or department and the person holding the

position on the effective date of this Charter shall continue to hold the position and perform the duties in that other office, agency or department subject to all the rights and privileges provided by the civil service provisions of this Charter; and

4. The transfer of functions, powers or duties to offices, agencies and departments results in the modification or discontinuance of the duties of any civil service position, the person holding that position on the effective date of this Charter shall be transferred and appointed to, and shall be deemed qualified for, a new or reclassified position the duties of which are most nearly comparable to the duties previously being performed, without examination or further compliance with any civil service regulations governing transfers or appointments and without reduction of salary or loss of pay.

17.111 Provisions Affecting Personnel and
the Employment Relationship

Within 90 days after the effective date of this Charter, the board of supervisors and the mayor shall take the necessary actions, including adequate appropriations and reassignment of personnel from other departments of the City and County, to establish and staff the personnel department and the employee relations office and to designate the chief labor negotiator for the City and County, as provided for by this Charter.

The employee relations office and the chief labor negotiator shall assume and carry out their responsibilities and exercise their authority under this Charter from and after the completion of the action required by the preceding paragraph, and shall conduct the annual salary surveys required by Appendix A of this Charter for the fiscal year ending June 30, 1982, and negotiate memoranda of understanding with recognized employee organizations, for the fiscal year ending June 30, 1983. Until that time, authority and responsibility for the compensation of employees of the City and County shall continue as if the Charter of 1932 were still in effect.

The personnel department shall begin its operations and the performance of its assigned functions not later than six months after the effective date of this Charter.

17.112 Civil Service Rules

The civil service commission shall adopt or reject civil service rules concerning recruitment, selection and appointment, so that they are consistent with this Charter, within six months after the personnel department begins its operations. The personnel director shall recommend such amendments to the civil service commission within three months after the personnel department begins its operations. All current rules and regulations shall remain in effect until superseded.

17.113 Civil Service Examinations

Examinations for civil service appointment, and protests of those examinations, shall be governed by and administered under the provisions of the Charter of 1932, and ordinances, rules and regulations adopted under the Charter of 1932, for one year after the effective date of this Charter, except that the personnel department shall have charge of such examinations when it begins operations. Thereafter, examinations for civil service appointment shall be governed by this Charter and the rules and regulations adopted under this Charter, such rules and regulations to be adopted to become effective not later than one year after the effective date of this Charter.

17.114 Exempt Positions

The board of supervisors and the mayor, through the budget for the fiscal year ending June 30, 1982, shall designate the positions exempt from civil service, within the categories provided in Article X of this Charter.

17.115 Temporary, Limited-Tenure and Provisional Appointments

The employment of all temporary, limited-tenure and provisional employees, appointed under the Charter of 1932, whose appointment does not meet the provisions of this Charter, shall be terminated within five years of the effective date of this Charter at the rate of 15% or more in each of the first two years; thereafter, in accordance with the rules and regulations governing layoffs, except that such temporary, limited-tenure and provisional employees may qualify for certification as eligibles under rules and regulations expressly authorized by ordinance. Such ordinance may establish special credit for civil service examinations for years of service or, through other methods, recognize

the service of such employees who have held such employment for more than six months at the effective date of this Charter.

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